

Message

From: Hassell, Emily [hassell.emily@epa.gov]
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To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: News Clips - 22 March 2018

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[E&E News PM - EPA approves 'technical corrections' to refinery regs](#)

[BNA - Environmentalists Sustain Push to Shield Species from Pesticides](#)

AP - Residents near Harvey-damaged chemical plant wary of water

Madison.com - EPA objects to Aquila mine on Michigan border

AP - The Latest: EPA plans to break up, smother burning tires

AP - Diesel fuel spills from pipeline in southwestern Indiana

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Washington Times

<https://www.washingtontimes.com/news/2018/mar/21/infrastructure-projects-to-advance-swiftly-and-saf/>

Infrastructure projects to advance swiftly —and safely — under new EPA permitting rules

By EPA Administrator Scott Pruitt, 3/21/18

President Trump recently unveiled his plan to rebuild and revitalize our nation's crumbling infrastructure. Much attention has been paid to rebuilding roads and bridges, understandably so. Our roads and bridges form the essence of interstate commerce in this country and have for some time. Yet, as the president indicated, our infrastructure is more than just roads and bridges — it is also our water infrastructure.

The president's ambitious proposal calls for the U.S. Environmental Protection Agency (EPA) to play a leading role in the administration's efforts. Through important permitting reforms and localized investments and incentives, EPA would be an integral part of initiating new projects and accelerating current endeavors to completion.

Our nation's water systems are in dire need of repair. Roughly 700 water main breaks occur across the United States every day — over 200,000 annually. Not surprisingly, in 2017 the American Society of Civil Engineers gave our nation's drinking water, wastewater and hazardous waste infrastructure "D" or "D+" grades.

Then there's the problem of lead in our drinking water. Lead poisoning is an insidious menace that robs our citizens of their fullest potential. The contamination in Flint, Michigan, awakened much of the nation to the harms of lead in drinking water.

Yet, the problem is far more widespread than Flint. There are an estimated 6.5 million to 10 million homes served by lead service lines in thousands of communities nationwide. EPA's most recent data shows that within the past three years more than 2,400 water systems have had a lead action level exceedance — a screening threshold that indicates when water systems must take actions to prevent harmful levels of contamination.

We must act quickly and aggressively to address these problems. The president's plan will enable us to do just that — without raising federal taxes.

President Trump's proposal calls for \$200 billion in federal investment to stimulate at least \$1.5 trillion over 10 years in new infrastructure investment. Unlike the previous administration, which spent roughly \$800 billion on its stimulus package with little to show for it, this plan will use federal dollars wisely to encourage states and local communities to raise sustainable revenue for infrastructure improvements.

A portion of this funding will be designated for competitive grants under EPA's drinking water, wastewater and stormwater programs, as well as Brownfields and Superfund — two programs dedicated to cleaning up and redeveloping contaminated lands. This funding will allow EPA to begin work right away to repair our nation's most

deteriorating water infrastructure and to restore hazardous waste sites that may pose a threat to drinking water supplies.

The president's initiative would also make several reforms to promote private investment in an improved management of water infrastructure. First, it would expand project eligibility under the Clean Water State Revolving Fund — a federal and state partnership that provides communities with low-cost financing for water quality infrastructure projects — to include more treatment facilities. Second, it would increase funding for the Water Infrastructure Finance and Innovation Act (WIFIA), a program that accelerates investment in our nation's water infrastructure through long-term, low-cost supplemental loans. Finally, the president's plan would expand WIFIA to allow for federal loan investment in Brownfields and Superfund cleanup projects that address water quality contamination.

EPA's role is even broader than water infrastructure and cleaning up contaminated land — the agency also has a key role in allowing projects to move forward by reviewing environmental impact statements during the permitting process. From subdivision development to skyscraper construction, many state and federal agencies are involved in the permitting process. Currently, duplicative and cumbersome regulations require multiple agencies to all sign off on one project, which can leave projects in bureaucratic limbo for years.

In August, I met with officials with the North Texas Municipal Water District. At the time, they had been stuck in the various state and federal approval processes for a new \$1.2 billion reservoir since 2003! That is unacceptable and we are committed to improving and expediting these processes. On Jan. 26, EPA concluded its permit review and the U.S. Army Corps of Engineers issued the final permit on Feb. 2. The reservoir, which is anticipated to be operational in 2022, will yield an estimated 70 million gallons of water a day and provide a massive economic boost to the region due to new housing, hotels, restaurants and stores. It will be the first new reservoir constructed in Texas in nearly 30 years.

This story isn't an outlier. Hundreds of billions of dollars in infrastructure projects are currently stalled at various stages, preventing Americans from reaping the benefits of improved infrastructure. That is also changing under President Trump's leadership.

The president's proposal would make key permitting reforms that would allow American industry and EPA to work efficiently and cooperatively to get new projects approved and underway as quickly and as safely as possible. Under the president's "one agency, one decision" goal, EPA would be responsible for issuing a single record of decision for a major project under its jurisdiction within two years. Streamlining permitting processes will allow vital infrastructure projects to move forward.

This combination of permitting and financing reforms will incentivize the free market to apply its genius to fixing America's aging infrastructure — from new roadways to updating crumbling water systems. The federal government should — and will — remain a partner in infrastructure investments. But states, local governments and industry know best how to meet the unique needs of their communities.

America's infrastructure was once the envy of the world. The president's proposal will restore our roads, bridges and waterways to greatness and create a safer, stronger America. Through regulatory reforms and targeted investments, EPA will spearhead the much-needed repairs to infrastructure in a way that provides tangible environmental benefits to all Americans.

• *Scott Pruitt is the 14th administrator of the U.S. Environmental Protection Agency. Prior to leading EPA, he enforced the rule of law as Attorney General for Oklahoma and served eight years in the Oklahoma State Senate.*

CNN

<https://www.cnn.com/2018/03/21/politics/epa-first-class-travel-waivers/index.html>

EPA may not have turned over Pruitt first class travel waivers to House committee

By Sara Ganim, 6:30 PM, 3/21/18

The Environmental Protection Agency released documents to a House committee this week that show Scott Pruitt took more than \$105,000 worth of first class flights during his first nine months as administrator, but the agency did not appear to turn over the waivers that are federally required to allow him to take flights in an upgraded cabin.

House Oversight Chairman Trey Gowdy, R-South Carolina, specifically requested the federally required waivers after EPA spokesman Jahan Wilcox told Politico in February that Pruitt was granted a "blanket waiver" to travel in first class for security reasons.

The next day, Wilcox changed his statement, saying a waiver was submitted "for every trip."

Federal rules say "blanket authorization of other than coach-class transportation accommodations is prohibited and shall be authorized on an individual trip-by-trip basis, unless the traveler has an up-to-date documented disability or special need."

Gowdy, in his February 20 letter, criticized the EPA, saying "clearly federal regulations prohibit a blanket waiver" for security purposes, and requested that the EPA turn over all the individual waivers Pruitt would need to be able to fly in first class.

But it does not appear that those waivers were turned over to the committee when the EPA gave it nine months' worth of travel records on Tuesday. According to Politico, Pruitt has spent more than \$105,000 on first class travel.

In the records it gave to the committee, the EPA included vouchers within the documents that include an "approval" and "authorized" line, but did not provide an explanation for why the travel was approved nor explicitly say that first class travel was approved. It is not clear if those vouchers serve as a waiver for first-class travel under the federal rules.

The EPA acknowledged it handed over documents to the committee but declined to answer CNN's specific questions about the waivers.

"We have responded to Chairman Gowdy," Wilcox said Wednesday. "The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane."

EPA also sent a link to a CBS News interview from February where Pruitt said he would fly coach in the future. "There's a change coming" in the way he travels, Pruitt said, "including flying coach," and in the way his staff will accommodate security threats.

The letter to Gowdy says the EPA approved the first class travel "on an individualized basis," but the documents do not provide the waivers that would back up that claim.

In the documents provided to the committee, EPA said sitting in first class was a necessary security precaution so that Pruitt—who the agency says has faced more threats than previous administrators—would be able to leave quickly if necessary.

EPA did not respond to CNN's question about how the protocol has now changed and if so, what other measures have been taken to allow him to safely sit in coach.

Scott Pruitt spent more than \$105,000 on first-class travel in his first year

By Josh Siegel, 3/21/18, 10:24 AM

Environmental Protection Agency Administrator Scott Pruitt spent more than \$105,000 on first-class flights in his first year, according to documents the EPA provided Tuesday night to the House Oversight and Government Reform Committee.

Committee Chairman Trey Gowdy, R-S.C., asked the EPA in January for details on Pruitt's frequent use of first-class travel, including how Pruitt has been able to obtain waivers to travel first class instead of coach.

The most expensive travel detailed to Congress is a \$17,631 four-day trip in December to Morocco, where Pruitt promoted natural gas. That trip included a \$500 overnight stay in Paris on the way to Morocco, which the EPA says was required by weather delays.

The Daily Beast, Politico and the Washington Post received the documents and reported on their details.

The EPA inspector general is investigating Pruitt's Morocco trip, which critics have said was inappropriate because the EPA plays no formal role in overseeing natural gas exports. Those matters fall under the jurisdiction of the Energy Department or Federal Energy Regulatory Commission.

The inspector general is also investigating Pruitt for his use of private and military flights and his frequent travel as administrator to his home state of Oklahoma, where he served as attorney general.

The documents released to the Oversight Committee do not include expenses for Pruitt's aides and personal security detail. Those costs can be significant.

A watchdog group earlier Tuesday released documents showing the EPA spent nearly \$31,000 on Pruitt's security detail during a June trip to Italy, bringing the total to more than \$80,000.

Pruitt has deflected criticism of his travel habits by saying he faces "unprecedented" security threats from taunting travelers, which has prompted EPA career security staff to grant him waivers to sit in first class.

An EPA official previously told the Washington Examiner the agency submits the same security-related waiver for Pruitt to fly first class before each trip.

The waiver has to be approved by multiple EPA officials before every trip, and Pruitt is not involved with the decision.

Jahan Wilcox, an EPA spokesman, says Pruitt's travel expenses are similar to former EPA administrators. He noted that former EPA Administrator Gina McCarthy, Pruitt's predecessor during the Obama administration, also incurred "numerous" security-related travel expenses abroad. He said McCarthy and her security detail spent \$68,382 traveling to Ghana in 2016 and \$45,139 to Peru the same year.

"The double standard couldn't be more clear: under Barack Obama's EPA the media chose not to report on expenditures to protect the EPA administrator for international travel or the costs of their trips, but under the Trump administration the costs to protect our government officials is somehow scandalous," Wilcox told the Washington Examiner.

Pruitt this month vowed to curtail his frequent first-class travel, saying he will fly coach if threats to his security can be managed.

Pruitt is the first EPA administrator to have a 24-hour security detail.

The Hill

<http://thehill.com/policy/energy-environment/379465-pruitt-took-105000-of-first-class-flights-in-first-year>

Pruitt spent \$105,000 on first-class flights in first year: report

By Timothy Cama, 3/21/18, 8:47 AM

Environmental Protection Agency (EPA) head Scott Pruitt spent more than \$105,000 on first-class airline travel in his first year on the job, Politico reported.

The total came from documents the EPA sent to House Oversight and Government Reform Committee Chairman Trey Gowdy (R-S.C.) as part of an investigation into Pruitt's high-profile premium travel.

Pruitt has flown mostly first class since shortly after taking office in February 2017. The agency has said that Pruitt's security detail made the decision to put him in first class to better protect him, due to confrontations in airports and on airplanes.

Among the expenses revealed in the documents were a \$16,217 short trip in December to Morocco, where Pruitt was promoting American liquefied natural gas exports to the nation's leaders, Politico said.

Pruitt missed a connecting flight and stayed a night in Paris, the records show.

He also canceled a planned trip in August and September to Australia to "discuss best practices regarding the environmental operations," the records said.

Based on the same records, The Washington Post found that Pruitt has spent \$68,000 on travel just in the last seven months.

The totals don't include Pruitt's staff or security detail accompanying him.

EPA spokesman Jahan Wilcox defended the first-class flying.

"We have responded to Chairman Gowdy. The letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane," he said in a statement.

Documents released Tuesday by an environmental group showed that on one trip to Italy last year, the EPA spent more than \$30,000 to bring Pruitt's security detail. The total cost of that trip was more than \$84,000.

The records sent to Gowdy do not include charter or military flights. Pruitt has taken a handful of those, including one from Cincinnati to New York City to catch the flight for the Italy trip, which cost more than \$36,000.

Gowdy had asked for the most recent documents by March 6, but the committee just received them.

Oversight Committee staff and the EPA declined to provide the records to The Hill.

Pruitt has committed to trying to fly economy class more often, as long as his security team can accommodate the request.

"What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away," he told CBS News's Major Garrett last month.

Pruitt traveled this past weekend to Oklahoma for an agricultural event and to Dallas to meet with regional EPA staff based there, according to his Twitter account.

The EPA declined to say whether he flew in coach class on any of those flights, instead referring to the CBS interview.

Politico

<https://www.politicopro.com/energy/article/2018/03/pruitt-spent-over-105-000-on-first-class-flights-430700>

Pruitt spent over \$105,000 on first-class flights

By Emily Holden, Anthony Adragna, and Alex Guillen, 3/20/18, 9:18 PM

EPA Administrator Scott Pruitt spent more than \$105,000 on first-class flights in his first year on the job, according to records EPA provided to the House Oversight Committee and obtained by POLITICO today.

Pruitt has drawn criticism for regularly booking first-class flights rather than the coach tickets recommended by EPA protocol. The agency has said the expensive flights were necessary because of the high number of security threats Pruitt has received.

That \$105,000 figure doesn't include an additional \$58,000 Pruitt rang up on charter flights and a military jet to carry him and his staff from an event with President Donald Trump in Cincinnati to catch a connecting flight to Europe out of New York, according to previously released records.

The most expensive airfare listed in the new documents was a \$16,217 trip in December to Morocco where Pruitt touted American natural gas exports. Pruitt missed a connecting flight and stayed overnight in Paris, and appears to have missed other two flights to Morocco before flying to Rabat on Monday, Dec. 11. He left the country two days later.

The travel information also shows Pruitt originally intended to travel to Australia from Aug. 31 through Sept. 8 to "discuss best practices regarding the environmental operations" within the country. But that trip to Sydney and Melbourne was eventually scrapped.

In a letter to Rep. Trey Gowdy (R-S.C.), the chairman of the committee that requested the documents a month ago, EPA noted Pruitt and his family have been the targets of direct and implied threats.

The agency has approved the first-class flights "on an individualized basis," the letter said.

"[As] the letter explains, EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane," EPA spokesman Jahan Wilcox said.

The committee said it is "in the process of reviewing and evaluating the documents and information," which will determine its next steps.

ABCNews

<http://abcnews.go.com/Politics/epa-spent-118000-scott-pruitts-flights-class/story?id=53903356>

EPA spent almost \$118,000 on Scott Pruitt's flights, many of them first class

By Stephanie Ebbs, 3/21/18, 2:10 PM

Environmental Protection Agency Administrator Scott Pruitt spent almost \$118,000 in flights — many of them first class — during his first year in the role, according to documents the agency provided to the House Oversight Committee.

In the letter to Chairman Trey Gowdy, a Republican who requested the documents last month, the agency says that the EPA approved the administrator's first or business class flights based on a recommendation from his security detail.

There have been multiple questions about the cost of Pruitt's travel, especially after the agency confirmed that he often flies first and business class citing security reasons. The EPA's inspector general is currently investigating the cost of his travel from last year and whether the agency followed all proper procedure in making travel decisions.

"This location allows the Administrator's security agents to expeditiously exit with him upon the occurrence of a threat," Associate Administrator Troy Lyons wrote in the letter.

The documents were first reported by The Daily Beast and provided to the committee on Tuesday.

Neither the EPA or the House Oversight Committee has responded to ABC News' request to review the documents.

The agency sent a similar letter to Democrats on the House Energy and Commerce Committee on Wednesday confirming that Pruitt travels first class for security reasons and that his security detail also travels first class.

The EPA has said that Pruitt receives "an unprecedented number of threats" directed at the administrator and his family, which has led them to increase his security detail. Pruitt has also said that the decision to place him in an upgraded class was made after at least one problematic interaction with another passenger during one of his trips in his first few months as administrator.

Pruitt recently said in an interview with CBS News that he has asked his security team to find a solution that would include more flights in coach.

Federal regulations say that federal officials should take the cheapest travel possible but that first class travel can be approved in "exceptional security circumstances," according to the letter.

The letter also says that Pruitt's security detail also traveled in first class on these trips but does not include documents on the cost of those flights.

In addition to the cost of Pruitt's first class flights the agency has also confirmed that Pruitt took at least one chartered flight and multiple flights on government planes totaling more than \$58,000.

Among questions being raised is one trip that included a flight on his way to Italy for the G-7 environmental summit in June. That trip included multiple flights including a flight on a military plane and a first-class flight. He stayed in Italy for at least three days. Pruitt's publicly released schedule shows that he attended the G7 welcome reception and stayed for one day of meetings and flew back to Washington the same day.

ABC News has exclusively obtained a June 2017 photo of Pruitt deplaning a military-owned plane at New York's John F Kennedy International Airport.

Democrats on the House committee with oversight of EPA commented on the photo on Twitter.

In that instance, Pruitt was approved to take a military plane from Cincinnati to New York before his trip to Italy for the G-7 environmental summit. That flight cost \$36,000 and was approved so Pruitt could join President Trump at an event in Cincinnati and still make his flight to Rome, which was another first class flight leaving JFK airport.

More documents released this week showed that that trip to Italy cost the agency about \$120,000 - about \$90,000 on travel for Pruitt and his staff and an additional \$30,000 more than previously made public for the cost of his security detail's travel the week of the trip.

Those documents were obtained by the Environmental Integrity Project through a Freedom of Information Act request and subsequent lawsuit. ABC News reviewed the documents.

The EPA disputed the cost of that trip Wednesday and said the total cost for travel and security was \$84,000, not including the military flight from Cincinnati to New York.

E&E News, an energy and environment news outlet, has reported that Pruitt's security detail is more expensive than previous administrators, according to information obtained through a FOIA request. For example, documents released by EPA show that Pruitt's security detail cost upwards of \$830,000 during the first quarter of the year.

The news outlet reported that former Administrator Gina McCarthy's security detail cost about \$465,000 and Lisa Jackson's detail cost about \$423,000 for the first quarter in their respective administrations.

Other lawmakers have also raised concerns about the costs of Pruitt's travel and security detail.

Sen. Sheldon Whitehouse, a Democrat on the Environment and Public Works Committee, sent a letter to the EPA inspector general on Tuesday asking them to provide more information on the cost of Pruitt's security and specifically how the agency handles his security on personal trips.

Whitehouse writes in the letter, which was reviewed by ABC News, that he has seen documents that Pruitt's security detail traveled with him on a trip in December where he had no official business scheduled. Pruitt allegedly flew to Lexington, Kentucky and attended a University of Kentucky basketball game on Dec. 29, flew to Los Angeles with his family on Dec 31 where they attended the Rose Bowl and then went to Disneyland on Jan. 2nd and 3rd, according to the letter.

"Information I have reviewed suggests that significant agency resources are being devoted to Administrator Pruitt's round-the-clock security, even when he is traveling on non-official business," Whitehouse wrote in the letter.

Whitehouse asks the EPA to provide more information about the cost of the security detail, including whether the agency issues tickets for agents to attend events like the Rose Bowl with the administrator.

He also asks the EPA to answer questions about whether the cost of Pruitt's security detail "detracts from the agency's agility to investigate environmental crimes."

In another part of the letter, Whitehouse says he has been told that Pruitt has requested lodging on his trips that is higher than the federal government's daily rate.

"While I consider matters of personal security to be extremely serious, personal security should never be used as a pretext to obtain special treatment," the senator wrote in the letter.

The EPA defended the costs.

"Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity," EPA spokesman Jahan Wilcox said in a statement.

Democrats on the House Energy and Commerce Committee are also conducting a review of Pruitt's travel.

Ranking Member Frank Pallone, D-New Jersey, and Reps. Diana DeGette, D- Colorado, and Paul Tonko, D-New York, said in a statement today that they want Pruitt to answer questions about his travel spending in a hearing scheduled for next month.

"In recent days we've learned Administrator Pruitt has reportedly spent more than \$105,000 on first class travel since last May, including some domestic flights, but it's unclear whether that figure includes the cost of his aides or security detail's travel. What is clear is that while he makes extreme cuts to critical public health and environmental protection programs, the Administrator has taken a holiday from all fiscal responsibility when it comes to his own travel and personal convenience," the Democrats said in a statement. "When Mr. Pruitt appears before the Energy and Commerce Committee next month, he must be prepared to explain why U.S. taxpayers should foot the bill for his lavish travel habits."

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/scott-pruitts-trip-to-italy-cost-80-000>

Scott Pruitt's trip to Italy cost \$80,000

By Josh Siegel, 3/20/18, 3:03 PM

Environmental Protection Agency Administrator Scott Pruitt's trip to Italy in June totaled more than \$80,000, according to new documents, as his security detail cost taxpayers nearly \$31,000.

Documents previously released by the Environmental Integrity Project showed the trip, for a summit of foreign energy ministers, cost \$43,000 without security costs included.

Now, new documents show the trip cost more than \$84,000, for expenses such as airfare, lodging and accommodations for Pruitt's security team.

Lawmakers have criticized Pruitt's travel spending and travel habits. He is the first EPA administrator to have a 24-hour security detail.

The EPA leader's judgment has been heavily scrutinized in recent weeks after the Washington Post reported Pruitt and his top aides spent more than \$90,000 on travel in just the first few weeks of June.

Pruitt has deflected the criticism by saying he faces "unprecedented" security threats from taunting travelers, which has prompted EPA career security staff to grant him waivers to sit in first class. The EPA says Pruitt does not make decisions on his security detail.

"Administrator Pruitt's security detail followed the same procedures for the G-7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy," said EPA spokesman Jahan Wilcox. "EPA's security procedures have not deviated over the past 14 years."

Democrats last month asked the EPA's inspector general to expand an existing probe of Pruitt's travel to include his first-class flights.

The investigation currently covers Pruitt's frequent travel to and from his home state of Oklahoma and his use of private and government planes.

<http://www.foxnews.com/politics/2018/03/22/obamas-epa-appointees-spent-as-much-or-more-on-travel-than-trumps-pruitt-data-show.html>

Obama's EPA appointees spent as much, or more, on travel than Trump's Pruitt, data show

By Lukas Mikelionis, 3/22/18

Former Obama administration EPA directors spent as much or even more on international travel than the agency's current chief, Scott Pruitt, who is facing widespread criticism for wasteful spending.

The Trump appointee to the Environmental Protection Agency has gotten in hot water after revelations that taxpayers had to foot the bill for Pruitt's \$120,000 trip to Italy last summer to attend a meeting of G-7 ministers and a private tour of the Vatican.

Nearly \$90,000 was spent on food, hotels, commercial airfare and a military jet used by the EPA director and nine other members of the agency's staff. More than \$30,000 was spent on providing a security detail during the trip.

Around \$40,000 in total was also spent for a four-day trip to Morocco in December, where Pruitt promoted American natural gas exports.

But as the media continue to criticize Pruitt and his "luxury" international travel, his expenses are nothing out of the ordinary – or even lower – compared to previous EPA directors under the Obama administration, who avoided the criticism.

"The double standard couldn't be more clear: Under Barack Obama's EPA the media chose not to report on expenditures to protect the EPA administrator for international travel or the costs of their trips," Jahan Wilcox, an EPA spokesman, told the Washington Free Beacon.

"But under the Trump administration the costs to protect our government officials is somehow scandalous."

Lisa Jackson, who was Obama's EPA director between 2009 and 2013, spent more than \$332,000 on airfare and security for four international trips, on average \$83,000 per trip, according to documents obtained by the Washington Free Beacon.

She spent \$64,963 for trips to Tel Aviv; \$59,950 to Rio de Janeiro; \$51,436 to Montreal; and \$155,764 to Beijing, Guangzhou, and Shanghai.

Gina McCarthy, the agency's director between 2013 and 2017, embarked on 10 international trips, spending nearly \$630,000 on airfare and security, on average \$63,000 per trip.

The documents revealed costs for McCarthy's journeys to Ghana (\$68,382), Peru (\$45,140), Tokyo (\$74,738), Paris (\$41,321), Dubai (\$90,368), Tokyo (\$67,703), Florence (\$56,193), Vancouver (\$62,247), Vietnam (\$68,268), and Beijing (\$55,385).

The figures for previous EPA officials also don't reflect the full picture – the cost of providing security for Pruitt is significantly higher as he was subjected to a number of credible threats of violence, including death threats, after he took office.

Authorities determined that the threats were real and the EPA inspector general's office recommended 24/7 security for the director, costing taxpayers roughly \$2 million a year, the Wall Street Journal reported.

Obama EPA Heads Spent Nearly \$1 Million On Foreign Trips

By Michael Bastasch, 3/21/18, 2:52 PM

Two Obama administration Environmental Protection Agency (EPA) chiefs racked up nearly \$1 million tab for overseas trips, The Daily Caller News Foundation has learned.

Former EPA Administrators Gina McCarthy and Lisa Jackson spent at least \$961,847 on foreign travel over six years, according to figures obtained by TheDCNF. McCarthy's overseas trips cost taxpayers \$629,736 and Jackson's cost \$332,111.

Recent media coverage has focused on current EPA Administrator Scott Pruitt's travel, including a new Washington Post report that Pruitt's July trip to Italy for the G7 summit cost upwards of \$120,000. The Post's story claims Pruitt's trip cost nearly \$90,000, "including \$36,000 for use of a military jet to catch a flight in New York and a \$7,000 premium-class ticket for Pruitt on the transatlantic flight." Adding the \$30,000 security detail bumped the cost to around \$120,000.

On the other hand, the Washington Examiner reported Pruitt's Italy trip only cost \$84,000, including the costs of his security detail. It's not really clear why the two estimates differ.

Virtually no attention has been paid to travel of past EPA administrators. Pruitt's security costs may be higher, which EPA attributes to increased threats against their chief. However, former President Barack Obama's administration also racked up costly foreign travel tabs.

For example, Jackson's 2011 trip to China cost taxpayers \$155,763, which includes the cost of her security detail. Jackson left EPA in 2013 amid questions over her use of a secret email account to conduct federal business. Records obtained by TheDCNF show she made at least four foreign trips during her tenure.

McCarthy, who served from 2013 to early 2017, took at least 10 foreign trips while heading EPA. The most expensive for which TheDCNF obtained figures was a 2015 trip to Dubai. McCarthy's trip to Dubai cost taxpayers \$90,367, including the cost of her security detail, according to the figures.

For months, reports have focused on Trump administration officials' travel. Former Health and Human Services Secretary Tom Price resigned after it came to light he spent \$400,000 on non-commercial flights in just a couple of months in 2017.

Reporters and environmental activists have since gone after travel by Interior Secretary Ryan Zinke and Pruitt, seeking to tie them to Price's scandal. Media oversight can shed light on lavish spending, yet reporters have largely ignored Obama administration travel.

TheDCNF previously found that former Obama administration Interior secretaries spent nearly \$1 million on non-commercial flights, including chartered jets. It turns out, Zinke had actually spent less than his immediate predecessors on non-commercial flights.

However, Pruitt came under scrutiny for his frequent flying on first class. Pruitt has since said he would fly coach, and EPA officials noted Pruitt flew first class because of security concerns. Pruitt's first-class travel was approved by career officials.

Documents given to the House Committee on Oversight and Government Reform by EPA officials show Pruitt spent \$105,000 on first class, The Daily Beast reported. Chairman Trey Gowdy requested Pruitt's travel information from EPA in February.

EPA told Gowdy that Pruitt's travel was approved "on an individualized basis," and that his security team "identified specific, ongoing threats associated with the administration administrator's air travel and, therefore, shifted his class based on security protocols that require him to be near the front of the plane."

So far, Pruitt has only taken two foreign trips, the costs of which are in line with past administrators, an EPA spokesman said.

"The double-standard couldn't be more clear: under Barack Obama's EPA the media chose not to report on expenditures to protect the EPA Administrator for international travel or the costs of their trips, but under the Trump Administration the costs to protect our government officials is somehow scandalous," EPA spokesman Jahan Wilcox told TheDCNF.

Listed below are all the foreign trips McCarthy and Jackson took while heading EPA.

McCarthy 2016 trips (includes security costs):

- Ghana — \$68,382
- Peru — \$45,139
- Tokyo — \$74,737

McCarthy 2015 trips:

- Paris — \$41,320
- Dubai — \$90,367
- Tokyo — \$67,702
- Italy — \$56,192

McCarthy 2014 trips:

- Vancouver — \$62,246
- Vietnam — \$68,267

McCarthy 2013 trips:

- China — \$55,384

Jackson 2012 trips:

- Israel — \$64,963

Jackson 2011 trips:

- Rio De Janeiro — \$59,950
- Montreal — \$51,435
- China — \$155,763

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/epa-says-pruitt-predecessors-took-expensive-international-trips-too-867130>

EPA says Pruitt predecessors took expensive international trips too

By Emily Holden, 3/21/18, 2:27 PM

EPA pushed back on criticism over Administrator Scott Pruitt's expensive travel today, highlighting data showing his predecessors in the Obama administration spent hundreds of thousands of dollars on international trips, too.

But while the calculations by EPA show former Administrator Gina McCarthy frequently visited other countries, she always flew coach, even on long flights where agency rules may have allowed her to upgrade. EPA says Pruitt traveled first class because of the high number of threats to his safety.

McCarthy made 14 trips to other countries in her three-and-a-half-year tenure, totaling \$731,000 for her, staff and security to fly and stay abroad, EPA said. Pruitt and his team spent at least \$120,000 on a single trip to a G-7 environment meeting in Italy in June, including \$36,000 on a military jet to New York to catch a flight to Rome. Pruitt also has spent at least \$105,000 on first class flights since May, according to agency records released yesterday to the House Oversight Committee.

Spokesman Jahan Wilcox called it a “double-standard” that the media did not report on EPA travel costs under President Barack Obama but “under the Trump Administration the costs to protect our government officials is somehow scandalous.”

McCarthy’s travel costs ranged from \$55,385 for a 2013 trip to China to \$90,368 for a visit to Dubai in 2015, according to calculations by EPA.

The first Obama administration EPA administrator, Lisa Jackson, spent \$155,764 on a 2011 trip to China, EPA said. Jackson flew business class on at least two international trips, to Kenya and China, according to agency notes.

Washington Post

https://www.washingtonpost.com/news/energy-environment/wp/2018/03/20/new-documents-show-nearly-68000-in-recent-premium-flights-hotel-stays-for-epas-pruitt/?utm_term=.15178d18913b

New documents show nearly \$68,000 in recent premium flights, hotel stays for EPA’s Pruitt

By Brady Dennis and Juliet Eilperin, 3/20/18

The Environmental Protection Agency turned over documents to Congress late Tuesday detailing nearly \$68,000 in newly disclosed travel costs for Administrator Scott Pruitt during the past seven months.

The records, which came at the request of House Oversight and Government Reform Committee Chairman Trey Gowdy (R-S.C.) and were obtained by The Washington Post, show dozens of first-class domestic and overseas flights for Pruitt and other trip expenses between August and last month. That figure, which includes stays at high-priced hotels in New York City and Paris, does not include the travel expenditures of the personal security detail and aides who typically accompany him.

EPA officials attribute the elevated costs of Pruitt’s travels to the security precautions they have undertaken because of the number of threats he has received — especially compared to his immediate predecessors — since joining President Trump’s Cabinet in February 2017.

The administrator has received round-the-clock security protection since shortly after he took office, and after a protester made vulgar and threatening remarks to Pruitt last spring, the head of his security detail recommended that he fly in first or business class to provide a buffer between him and the public.

“We have responded to Chairman Gowdy,” EPA spokesman Jahan Wilcox said in an email. “The letter explains EPA’s Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt’s travel and shifted his class based on certain security protocols that require him to be near the front of the plane.”

Pruitt has been under fire for months because of his expenses, not just for travel in this country and abroad but for changes he has made at EPA headquarters, including the installation of a soundproof phone booth in his office for private communications.

Gowdy requested the latest information after The Post reported in February on Pruitt's regular first-class travel. EPA officials initially indicated they had obtained blanket approval for him to buy premium-class tickets due to security concerns. A two-week stretch of travel in June by the administrator and his aides cost more than \$120,000, according to records obtained by The Post and the Environmental Integrity Project under the Freedom of Information Act.

Pruitt's aides later clarified that they clear each first-class ticket purchase with appropriate federal officials.

The latest documents reveal how that all adds up.

A journey to Morocco in December, where Pruitt and his aides promoted U.S. natural gas exports, ranked as the most costly trip detailed in the agency travel vouchers. They show that just Pruitt's travel for the four-day trip — expenses for his roughly 10-person staff and security entourage were not disclosed — amounted to \$17,631. The charges appear to include a \$500 overnight stay in Paris on the way to Morocco. An EPA official said the trip was affected by weather delays, which prompted the group to stay in Paris on Dec. 10 before arriving in Rabat the next day.

Closer to home, Pruitt rang up hefty travel bills last summer and fall.

After Hurricane Harvey, Pruitt spent more than \$3,900 on a one-day trip in late August to Corpus Christi, Tex., to visit with the city's mayor and view damage at its port. Two weeks later, he returned to the state to visit a Superfund site in Houston that had been damaged by the storm and to participate in a roundtable at a technology company. After a weekend at home in Tulsa, he flew to New York to participate in the annual Concordia Summit. Those first-class flights cost \$3,330, and records show he also spent \$669 on a hotel room in Manhattan.

Pruitt never stayed off the road for long.

A five-day trip in October to Colorado Springs, Phoenix, Tulsa and Lexington, Ky., where he announced the rollback of President Barack Obama's Clean Power Plan, cost taxpayers nearly \$5,000 in airline tickets. A one-day trip that month to Jackson, Miss., to meet with the governor and tour farms cost nearly \$3,200. Soon after, a one-day stop in Nashville to meet with the state's governor and speak to a farm group entailed a \$2,774.40 flight.

The records also underscore how often and to what lengths Pruitt traveled to speak to industry groups. He addressed the Texas Oil & Gas Association in October before heading to Nebraska for media stops. First-class flights: \$3,610. He headed to New Orleans to speak to the Louisiana Chemical Association. First-class flight: \$2,265. In November, he flew to Chicago to address the Society of Independent Gasoline Marketers annual conference, at a cost of \$1,172. The next day, he headed to Charleston, S.C., for the American Chemistry Council. That brief trip cost \$3,155.

Travel in early December to Louisville, Des Moines and Tulsa cost \$3,250. Days later, he headed to Florida to meet with Disney executives about food waste. His first-class seat cost \$2,162.

Pruitt picked up 2018 where he left off. In January, he headed to Dallas for a day to meet with EPA regional administrators. His flight was \$1,689.

Records show that at the end of January, he returned to New York for a day of interviews with Fox News, Fox Business, the Wall Street Journal, CBS News and the New York Times. Then it was back to Florida to visit a nursery near Tallahassee. That two-night trip cost \$3,767.

A separate trip to Reno and Las Vegas in February to visit Superfund sites and do media interviews cost another \$3,635. Later in the month, Pruitt took a brief trip to New England to visit another Superfund site and visit with New Hampshire's governor, among other stops. His first-class flight to Boston: \$1,428.

On one occasion, according to the new batch of travel vouchers, even a trip the administrator did not take ended up costing the government. The records show he had been scheduled to visit Australia for almost 10 days late last summer,

meeting environmental officials and making site visits in Sydney and Melbourne. The journey ultimately was canceled, but records show that it cost the agency \$1,927 to undo various flights and hotel reservations for Pruitt.

In Gowdy's Feb. 20 letter, the lawmaker asked EPA to provide an array of documents by March 6 that would outline the circumstances under which Pruitt obtained permission from agency officials to eschew coach class.

"Clearly, federal regulations prohibit a blanket waiver to fly first class except to accommodate disabilities or special needs," Gowdy wrote. "Instead, a waiver is required for each flight in order to fly first or business class when traveling on official government business."

In an email Tuesday night, the communications director for the House Committee on Oversight and Government Reform said members "are in the process of reviewing and evaluating the documents and information, which will determine the committee's next steps."

Pruitt appears poised to cut back on his first-class travel. Earlier this month, he told CBS News in a podcast interview that he would be flying coach more often. EPA officials have looked into the prospect of seating Pruitt in the bulkhead row, which has more legroom than a traditional coach seat and also would allow him to be among the first passengers to leave the plane.

"There's a change coming," Pruitt told CBS, referring to his travel practices.

Bloomberg

<https://www.bloomberg.com/news/articles/2018-03-20/security-detail-added-30-554-more-to-epa-chief-s-italy-trip>

Security Detail Added \$30,554 More to EPA Chief's Italy Trip

By Eric Roston, 3/20/18, 3:30 PM

Travel costs for security personnel accompanying Environmental Protection Agency Administrator Scott Pruitt to Italy tallied \$30,554, bringing the grand total for the trip to \$120,249, according to documents obtained by the Environmental Integrity Project.

"That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos, and tell his European counterparts that global warming doesn't matter," said Eric Schaeffer, director of the nonprofit oversight group.

Pruitt has drawn bipartisan scrutiny for spending that is unorthodox compared with his predecessors. He told CBS News earlier this month that he would fly coach when traveling on EPA business -- a downgrade from first-class flights that ignited public criticism. Pruitt moved to the pricier section after "vulgar" encounters and threats from coach passengers, EPA officials said last month. He postponed an Israeli trip during the peak of attention to his travel spending last month. The EPA Inspector General and the U.S. General Accountability Office are investigating the construction of a private-communications booth in Pruitt's office that cost more than \$43,000, according to the Washington Post.

The newly revealed expenses for personal security detail add to a trip that already cost more than \$36,000 for a military flight segment and \$53,633 in airfare, hotels, meals, and ground transportation for the administrator and nine staff members. Two of the travelers, accounting for about \$8,600 of the total, were career EPA staff members, not political appointees. Pruitt's plane ticket for the G7 environmental ministers' meeting cost more than \$7,000.

"Administrator Pruitt's security detail followed the same procedures for the G7 environmental meeting in Italy that were used during EPA Administrators Stephen Johnson, Lisa Jackson, and Gina McCarthy's trips to Italy. EPA's security procedures have not deviated over the past 14 years," said EPA Spokesman Jahan Wilcox.

CNN

<https://www.cnn.com/2018/03/21/politics/epa-pruitt-security-italy/index.html>

EPA spent \$30,000-plus on security detail for Administrator Scott Pruitt's Italy trip

By Rene Marsh and Sara Ganim, 3/21/18

New documents show the Environmental Protection Agency spent more than \$30,000 on security detail for Administrator Scott Pruitt's overseas trip to Italy last year.

Much of the information about Pruitt's personal security detail has been kept under wraps by the agency, citing security concerns, even as Pruitt faces scrutiny over several pricey first-class tickets for travel.

But these few details were obtained through a lawsuit filed by Environmental Integrity Project, an advocacy group that has been critical of the administration, which shared the heavily redacted documents EPA handed over to them as part of their litigation.

EPA spokesman Jahan Wilcox responded by saying that the security detail "followed the same procedures" that were used for previous administrations over the past 14 years.

The newly obtained documents showing Pruitt's June trip to visit the Vatican and to meet energy ministers at a summit cost taxpayers now has the publicly known costs of the trip to just over \$120,000.

The breakdown:

- \$36,068 for a military jet from Cincinnati to New York City's JFK airport for the departure to Rome.
- \$53,633 for air/lodging/meals/ground transport for Pruitt and EPA non-security staff in Italy.
- \$30,558 -- the total travel cost for security staff for Italy trip.

The EPA document does not say whether any of the security guards traveled first class.

"We don't buy that taxpayers don't have the right to know what the government is up to because of these security claims, that letting us know how much it costs is going to somehow jeopardize security," said Tom Pelton, a spokesman for Environmental Integrity Project. "His requests for things like a giant security detail show that he's obsessed a little bit with secrecy and security and it's different from past EPA administrators who also faced people who were skeptical or critical of their actions, but who didn't have this much security expenditures. He's very unusual for having this much secrecy and security and the amount he's spending on it."

Pruitt told CBS News in February that "there's a change coming" in the way he travels, "including flying coach" and in the way his staff will accommodate security threats.

In October, CNN reported Pruitt's security detail was expanding by hiring a dozen more agents as the number of threats against the agency leader increase, according to a source with knowledge of the situation. Pruitt's around-the-clock security detail is unprecedented, as no past EPA administrator has ever had that level of security.

When CNN compiled figures from public documents in October, salaries alone for the full team were estimated to cost at least \$2 million per year. The estimate did not include costs such as training, equipment and travel.

The spending increase comes as the Trump administration has laid out plans to cut the agency's budget.

Security cost \$30K for Pruitt's Italy trip

By Kevin Bogardus, 3/20/18

Travel costs for U.S. EPA Administrator Scott Pruitt's personal security detail on his trip to Italy last year reached more than \$30,000.

A new agency document, turned over to the Environmental Integrity Project under its Freedom of Information Act lawsuit against EPA, shows the agency spent \$30,553.88 for Pruitt's security agents to go with him to Italy.

The EPA chief traveled there for a variety of meetings, including at the Vatican and with foreign environment ministers. Pruitt also refused to sign on to statements endorsing action against climate change at a Group of Seven meeting on the trip (Greenwire, June 12, 2017).

EPA spokesman Jahan Wilcox said Pruitt's security detail followed the same procedures it has for past administrators at the agency.

"EPA's security procedures have not deviated over the past 14 years," Wilcox said.

Total expenses for the Italy trip — including Pruitt, his security detail and nine of his aides — reached more than \$84,000 for EPA, according to figures compiled by the Environmental Integrity Project from documents the group obtained under FOIA.

"That's a lot of money for Mr. Pruitt to tour the Vatican, pose for photos and tell his European counterparts that global warming doesn't matter," said Eric Schaeffer, EIP's executive director. "Maybe next time he should just send his regrets."

Pruitt's travel has attracted scrutiny from lawmakers and environmental groups. The EPA inspector general is also reviewing his trips as part of an ongoing audit the watchdog office launched last year.

Reuters

<https://www.reuters.com/article/us-usa-epa-spending/epa-chiefs-security-detail-joined-him-on-first-class-flights-agency-tells-lawmakers-idUSKBN1GY033>

EPA chief's security detail joined him on first-class flights, agency tells lawmakers

By Valerie Volcovici, 3/21/18, 8:40 PM

WASHINGTON (Reuters) - Environmental Protection Agency chief Scott Pruitt's private security detail accompanied him on first-class flights, the agency confirmed on Wednesday to U.S. House Democrats, who requested details on his travels amid growing scrutiny of Cabinet members' spending.

Democrats on the House of Representatives Energy Committee - Frank Pallone, Diana DeGette and Paul Tonko - received confirmation in a letter from EPA Associate Administrator Troy Lyons that Pruitt's security team had accompanied him in premium airplane seats because of security threats.

The EPA was responding to a Feb. 20 letter from the Democratic lawmakers asking for details about the use by Pruitt and his staff of first-class air travel.

The agency's "Protective Service Detail has identified specific, ongoing threats associated with the Administrator's air travel and, therefore, shifted his class based on certain security protocols that require him to be near the front of the plane," Lyons wrote to the lawmakers in a letter they published on Wednesday.

The letter said that the agency's assistant inspector general determined Pruitt had "significantly more threats" directed against him than previous EPA administrators.

EPA spokesman Jahan Wilcox said the travel adhered to federal protocols applied to this and previous presidential administrations.

"Security decisions are made by EPA's Protective Service Detail and are similar to security protocol across the federal government," he said in a statement.

The lawmakers said they were concerned about the price taxpayers were forced to pay to accommodate Pruitt and his guard's first-class travel, as reports emerge surrounding his travel records from last year.

On Tuesday, newly released documents revealed Pruitt's \$80,000 trip to Italy last summer for the G-20 summit entailed \$30,000 in spending on personal security. [L1N1R217O]

Another batch of travel expenses requested by Republican House Oversight Committee Chairman Trey Gowdy and obtained by the Washington Post showed he spent \$68,000 on hotel stays and air travel on first-class and domestic flights from August 2017 through February 2018.

"What is clear is that while he [Pruitt] makes extreme cuts to critical public health and environmental protection programs, the Administrator has taken a holiday from all fiscal responsibility when it comes to his own travel and personal convenience," the lawmakers said in a statement.

The Democrats plan to press Pruitt on his spending at an energy panel hearing next month.

Other Cabinet secretaries, including Ben Carson, secretary of the Housing and Urban Development agency, and Interior Secretary Ryan Zinke have faced scrutiny because of reports of lavish spending on office furniture, as well as the use of private jets.

The Hill

<http://thehill.com/policy/energy-environment/379624-epa-pruitts-security-detail-flies-first-class>

EPA: Pruitt's security detail flies first class

By Miranda Green, 3/21/18, 6:33 PM

The 24-hour security detail tasked with protecting Environmental Protection Agency Administrator Scott Pruitt also flies with him in first class, the EPA confirmed Wednesday.

In a letter sent to Democrats on the House Energy and Commerce Committee Wednesday, the EPA confirmed that Pruitt's security detail flies in luxury class when he travels.

"On past trips, his protective service detail accompanied him in first class," the letter reads.

The agency cites security threats as the reason for Pruitt's upgraded travel and says the same government waiver the administrator uses to fly noncoach applies to his security team.

"These circumstances include, but are not limited to, situations when the '[use] of coach-class accommodations would endanger [one's] life or Government property' or an agent on protective detail is 'accompanying an individual authorized to use other than coach-class accommodations,'" EPA Associate Administrator Troy Lyons wrote.

The letter cites ease of egress as the main security-related reason why Pruitt and his security team use first class.

"The U.S. Environmental Protection Agency's Protective Service Detail has identified specific, ongoing threats associated with the Administrator's air travel and, therefore, shifted his class based on certain security protocols that require him to be near the front of the plane," read the letter. "This location allows the Administrator's security agents to expeditiously exit with him upon the occurrence of a threat."

The letter was a response to a request from committee Democrats last month regarding reports of Pruitt's first-class travel at taxpayer expense.

Upon receiving EPA's letter, Energy and Commerce Committee ranking member Frank Pallone, Jr. (D-N.J.) along with Oversight and Investigations Subcommittee ranking member Diana DeGette (D-Colo.), and Environment Subcommittee ranking member Paul Tonko (D-N.Y.) warned Pruitt to be prepared for his next Capitol Hill appearance.

"When Mr. Pruitt appears before the Energy and Commerce Committee next month, he must be prepared to explain why U.S. taxpayers should foot the bill for his lavish travel habits," they said in a joint statement Wednesday.

The EPA's letter is the first time the agency has confirmed that Pruitt's team flies the same class as he does during travel. Official documents released by the agency earlier this week showed that Pruitt's security detail often adds significant costs to his travel. During a trip to Italy and the Vatican last June, Pruitt's security cost taxpayers more than \$30,000, according to the travel vouchers.

E&E Greenwire

<https://www.eenews.net/greenwire/stories/1060076983/search?keyword=EPA>

Security detail for Pruitt's personal trips draws scrutiny

By Kevin Bogardus, 3/21/18

Sen. Sheldon Whitehouse (D-R.I.) is raising questions about U.S. EPA Administrator Scott Pruitt's personal security detail accompanying him on trips to sporting events and theme parks.

In a letter sent yesterday to the EPA inspector general, Whitehouse said he has obtained six weekly schedules for the agency's protective service detail that guards Pruitt, as well as other documents. The records show that agents accompanied the EPA chief to a University of Kentucky basketball game, the Rose Bowl and Disneyland in Anaheim, Calif., all around the turn of the year, according to the senator.

"The documents and information that have been provided to me raise many troubling questions. While I consider matters of personal security to be extremely serious, personal security should never be used as a pretext to obtain special treatment," Whitehouse said in his letter to EPA IG Arthur Elkins.

"I urge you to consider the information I have provided you in this letter as well as the questions I raise as you pursue your investigations of Administrator Pruitt's travel to Oklahoma and his private security detail," he said.

The EPA IG is conducting two reviews: One is focused on Pruitt's travel, and another is centered on agency spending on his personal security detail, which has spiked compared to past administrators as EPA has moved to an around-the-clock presence to guard Pruitt.

In his letter, Whitehouse, who sits on the Senate Environment and Public Works Committee, said the two probes are related, based on the documents he obtained showing security agents accompanying Pruitt on personal trips.

"These records show that these two inquiries overlap and raise important questions," Whitehouse said.

The senator asked the IG to determine the "aggregate cost" of Pruitt's personal security detail on trips outside of Washington, D.C., and how that compares to previous EPA administrators. In addition, Whitehouse asked whether EPA's enforcement function has suffered because agents have been transferred to work Pruitt's security detail instead.

"At a time when EPA enforcement actions have dramatically declined, has the agency adequately considered the effect of reassigning agents from their normal job investigating environmental crimes to work on Administrator Pruitt's private security detail?" Whitehouse said.

"It would be useful if your final report assessed the number of hours diverted from investigatory matters because of the expanded security detail, and what that has meant for EPA enforcement," he said.

Whitehouse also asked if other EPA administrators had security guards accompany them to personal events.

"Is it consistent with past practice to provide security for the Administrator at events (the Rose Bowl, Disneyland, college basketball games) that are personal in nature? Insofar as this is different from the practice in previous administrations, has the agency established a sufficient need for these security expenditures?" Whitehouse said.

EPA IG spokeswoman Jennifer Kaplan confirmed to E&E News that the watchdog office has "received and [is] currently reviewing" Whitehouse's letter and that "both EPA OIG audits are ongoing" related to Pruitt's travel and spending on his security detail.

EPA spokesman Jahan Wilcox told E&E News that the agency will respond to Whitehouse through "the proper channel."

He added, "Administrator Pruitt follows the same security protocol whether he's in his personal or official capacity."

Pruitt's travel has attracted scrutiny from lawmakers and environmental groups. Last month, House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) has asked EPA for travel documents that would document the EPA chief's trips, including him taking first-class flights (Greenwire, Feb. 21).

Wilcox said EPA has responded to the Oversight panel's request and that security concerns led Pruitt to take the pricier flights.

"The letter explains EPA's Protective Service Detail identified specific ongoing threats associated with Administrator Pruitt's travel and shifted his class based on certain security protocols that require him to be near the front of the plane," Wilcox said.

The Washington Post reported yesterday that Pruitt spent nearly \$68,000 on travel over the past seven months, including dozens of first-class flights, according to documents EPA gave to Gowdy's committee. The records detail Pruitt's more expensive travel, including one trip to Morocco in December to promote natural gas exports that cost \$17,631, including a \$500 overnight stay in Paris.

Pruitt has said recently that he will look to fly coach when possible.

"There's a change coming," Pruitt said in an interview with CBS News (Greenwire, March 1).

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/omnibus-keeps-epa-operations-funding-steady-pours-money-into-grant-programs-871399>

Omnibus keeps EPA operations funding steady, pours money into grant programs

By Alex Guillen and Annie Snider, 3/21/18, 9:01 PM

EPA's operational budget would remain roughly unchanged under the omnibus spending bill released tonight, although the agency would get hundreds of millions of dollars in extra money to spend on grants and loans to states for environmental cleanups.

The agency's "base" funding would remain at about \$8.1 billion, in line with 2017's level, according to committee summaries. That would shift \$23.5 million away from regulatory programs, according to the House Appropriations Committee.

EPA's extra money under the deal reached by Congress to raise spending caps, H.R. 1625 (115), would go to grant programs. The Clean Water and Drinking Water State Revolving Funds are slated to get an additional \$300 million each, for a total of \$2.9 billion in funding, and \$50 million is tagged for new programs created in 2017's major water resources bill that focus on basic infrastructure for small and disadvantaged communities and reducing lead in school drinking water systems. The WIFIA loan program would also see its budget boosted to \$63 million, and the Superfund program would get a \$66 million bump, bringing its budget to \$1.15 billion.

The bill would more than triple money set aside for chemical evaluations under the revised Toxic Substances Control Act, to \$10 million.

Lawmakers also kept funding steady for EPA's Office of Inspector General. The Trump administration had suggested significant cuts to the IG, which is looking into Administrator Scott Pruitt's travel spending.

A provision to protect the Trump administration's repeal of the 2015 Waters of the U.S. rule was dropped from the bill.

WHAT'S NEXT: Congress must pass the bill by midnight Friday to avoid a government shutdown.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/congress-spending-deal-rejects-trumps-proposed-epa-energy-cuts>

Congress' spending deal rejects Trump's proposed EPA, energy cuts

By Josh Siegel, 3/21/18, 10:11 PM

Congress on Wednesday night released a fiscal 2018 spending bill that rejects Trump administration efforts to reduce funding for the Environmental Protection Agency and Energy Department.

After President Trump threatened to make massive cuts to the EPA budget, Congress decided to keep funding levels the same from fiscal 2017, at \$8.1 billion.

Lawmakers decided to boost funding by \$66 million for accelerating the cleanup of hazardous Superfund sites, a priority of EPA Administrator Scott Pruitt.

The Energy Department, meanwhile, would receive \$34.5 billion in the massive spending deal, a \$3.77 billion increase over fiscal 2017.

That includes \$2.32 billion for the agency's energy efficiency and renewable energy division, a 15 percent increase. Trump, who has promoted expanded fossil fuel development, had sought to cut funding for that division.

The agency's fossil fuels office would get \$726.8 million, up \$59 million from fiscal 2017 and an increase of \$447 million above Trump's budget request.

The Energy Department's clean energy research hub, which Trump wanted to eliminate, also would see a funding increase.

Funding for Advanced Research Projects Agency-Energy, or ARPA-E, is increased by \$47 million for a total of \$353 million. ARPA-E is a program with bipartisan support in Congress that funds innovations in energy technology, such as battery storage.

The Energy Department budget also emphasizes cyber security, which is a key focus of policymakers after Russia has tried attacking the nation's power grid.

Cybersecurity efforts would get \$248 million in the spending package, an increase of \$18 million.

The spending deal also continues what is becoming a tradition in Congress of ordering sales from the nation's Strategic Petroleum Reserve. It calls for a sale of another 10 million barrels of government-owned crude to be sold from the reserve in fiscal 2020 and 2021.

Congress recently has been tapping the strategic oil reserve, an emergency fund, for deficit reduction and other items.

The Republican tax reform legislation required sales from the reserve in 2026 and 2027. And the Energy Department used the petroleum reserve during last year's hurricane season.

The fund currently has 665 million barrels of crude.

The Hill

<http://thehill.com/policy/energy-environment/379679-spending-bill-rejects-trumps-proposed-epa-cut>

Spending bill rejects Trump's proposed EPA cut

By Timothy Cama, 3/21/18, 9:58 PM

The \$1.3 trillion government-wide spending bill released late Wednesday rejects President Trump's proposal to slash the Environmental Protection Agency's (EPA) budget by 31 percent.

Senior lawmakers negotiating the omnibus appropriations bill instead chose to give the agency \$8.1 billion for fiscal year 2018, keeping it at the same level as 2017.

The bill still needs to pass both chamber of Congress and get President Trump's signature before Friday at midnight in order to prevent a government shutdown.

"The American people support investments in clean air and water, public lands, parks, and the arts and humanities, which are vital to the health and well-being of our communities and our economy," Sen. Tom Udall (N.M.), the top Democrat on the Appropriations Committee panel responsible for the EPA, said in a statement.

"Together, we rejected the Trump administration's proposal to make massive and dangerous budget cuts, and instead, we restored funding for the EPA," Udall said.

The funding level represents a victory for Democrats, who had argued that Trump's cuts would be disastrous. But much of the GOP also opposed the 31 percent proposed cut.

The bill has a handful of new policy provisions for the EPA, including one to exempt farms from having to report their air pollution to the EPA and a requirement that the agency treat wood burning as a carbon-neutral and renewable electricity source.

But the legislation also avoided a number of other policy riders that had Republican support or were in previous versions of the legislation.

Lawmakers removed a provision that would have let the EPA skip the usual regulatory processes like gathering public comment as it works to repeal the Obama administration's Clean Water Rule.

In addition to the \$8.1 billion for EPA in the main section of the bill, lawmakers tacked on an additional \$763 million in another part of the bill for various EPA programs related to water infrastructure and to cleaning up polluted Superfund sites.

Tulsa World

http://www.tulsaworld.com/homepagelatest/pruitt-says-new-push-on-superfund-sites-can-bring-accountability/article_4a3e4982-569e-5023-8141-392ebe629a65.html

EPA Administrator Scott Pruitt says lack of clean up of Tar Creek Superfund site is 'unacceptable'

By Jim Myers, 3/21/18

WASHINGTON — Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation.

"It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

"You don't list a site in the mid-1980s and you don't take the kind of steps we have taken historically and still have issues today in 2018."

The area in Ottawa County is contaminated by lead and other heavy metals from long-closed mining operations and is undermined with caverns that are prone to cave-ins. The Picher and Cardin communities were bought out by a federal program and are now ghost towns, but the mine wastes remain.

Pruitt blamed inconsistency, even within the EPA's 10 regions, as well as a lack of attention and focus, for slowing remediation outcomes.

"It is one of the things that seemed to be languishing as we arrived," Pruitt said, making it clear that the lack of urgency was something he found "palpable" at Superfund sites across the country.

"When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable."

His comments came during one of several reporter roundtables he has been holding at the EPA's headquarters to mark his first year as administrator, during which he also became a leading voice in the Trump administration's major push on regulation reform.

Those efforts have prompted applause from his supporters and alarm from his critics.

Recently Pruitt is rarely out of the headlines, with stories ranging from travel expenses to speculation over whether his political future might include bids for a U.S. Senate seat or even the White House.

When given the chance to comment on yet another story this week about his political options, he took a pass.

Pruitt also declined to comment when asked about a recent decision by an Oklahoma judge to allow a lawsuit filed by Campaign for Accountability to continue. The lawsuit seeks to force the release of a 2014 audit of the Lead-Impacted Communities Relocation Trust, which was created in an effort to help move residents out of communities affected by the Tar Creek contamination.

“That is during my time as attorney general,” he said. “I think it is better that I just keep it focused on the EPA matters.”

Pruitt, who was Oklahoma’s attorney general before being tapped by President Donald Trump to lead the EPA, had declined to file charges based on the audit by state Auditor Gary Jones and also had taken steps to bar its release to the public.

According to reporting by The Oklahoman, legal action in the case continues and eventually could include an appeal to the Oklahoma Supreme Court.

Pruitt’s emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use to keep the emphasis on the program.

“To me there are some very fundamental, significant things we can do to provide clarity to citizens there. I think it has started to take root over the last several months,” he said, adding that some of those steps could come “in the near term.”

Still, that appears to be a work in progress.

“We are assessing those right now,” Pruitt said when asked for examples.

In 2012, the Quapaw Tribe of Oklahoma and the EPA signed an agreement to perform remedial action at Tar Creek, making the tribe the first to lead and manage cleanup of a federal Superfund site.

Currently, the EPA says, the tribe and the Oklahoma Department of Environmental Quality handle much of the oversight and cleanup.

In May 2017, the agency announced that it had awarded \$4.8 million in financial assistance to the tribe to continue remediating contaminated soil from tribal lands.

Key EPA officials, including Albert “Kell” Kelley, senior adviser to Pruitt, and Sam Coleman, EPA’s acting regional administrator, toured the Tar Creek site last year as part of the Tribal Lands Forum conference in Tulsa.

Kelley described the Tar Creek cleanup as an “excellent example of how the program should work,” citing the local, state, tribal and federal partnership.

During the roundtable, Pruitt also spoke to reporters about his agency’s effort during his first year to rescind and replace the contentious Waters of the United States rule put in place by the Obama administration and repeal of its Clean Power Plan, both of which should move toward culmination later this year, as well as his hope to address the “clear and present danger” posed by lead in drinking water.

AP

<https://apnews.com/d15b0279f1b64747bac05415e6f1938b/Mining-company-challenges-EPA-order-for-Superfund-site-study>

Mining company challenges EPA order for Superfund site study

3/21/18

DENVER (AP) — A mining company is formally challenging an Environmental Protection Agency order to pay for an investigation of underground water flows at a Colorado Superfund site.

Sunnyside Gold Corp. said Wednesday it asked for a conference at which the company can ask EPA to modify or revoke the order. No date has been set.

EPA wants Sunnyside to study part of the Bonita Peak Mining District, which includes the Gold King Mine. EPA-led contractors inadvertently triggered a spill of potentially toxic wastewater there in 2015, polluting rivers in Colorado, New Mexico and Utah.

Sunnyside doesn't own the Gold King but has other property in the Superfund site. EPA says previous work at a Sunnyside's mine may have redirected wastewater that found its way into rivers.

Sunnyside says it didn't cause the problems.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/house-gop-urges-scott-pruitt-for-meeting-on-staff-cuts>

House GOP urges Scott Pruitt for meeting on staff cuts

By John Siciliano, 3/20/18, 4:14 PM

House Republicans are giving Environmental Protection Agency Administrator Scott Pruitt a week to schedule a briefing with senior congressional staff on the agency's non-public plans for staff cuts and agency reorganization.

The GOP leaders of the House Energy and Commerce Committee sent Pruitt a two-page letter Tuesday requesting the briefing "to assist us in understanding more about EPA's plans to reorganize the agency and how workforce analysis will factor into those plans."

The letter was signed by Energy and Commerce Committee Chairman Rep. Greg Walden of Oregon, Rep. John Shimkus, R-Ill., the panel's environment chairman, and Rep. Gregg Harper, R-Miss., the chairman of the committee's oversight and investigations panel.

The lawmakers said an EPA workforce review has not been done for 20 years and is long overdue. Even the agency's inspector general has been pressing for a workforce review since 2012, saying it is necessary to ensure workers are in the right place to fulfill the agency's mission.

The inspector general's past recommendations are being underscored given Pruitt's and President Trump's push to re-size the agency, the letter said. "While EPA's plan for reorganization has not been released publicly, some EPA offices have already been combined with other offices and over 1,000 personnel have accepted buyouts from the agency."

The congressional committee leaders praised Pruitt for analyzing the agency's workforce, which has been a "long-standing problem." The effort will ensure that the right number of qualified people are deployed across the agency to maximize their expertise, they said.

They want a thorough briefing by March 27.

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060076869/search?keyword=EPA>

House Republicans want to see reorganization plans

By Kevin Bogardus, 3/20/18

Top Republicans on the House Energy and Commerce Committee are pushing U.S. EPA to divulge more information on its reorganization plans under the Trump administration.

Reps. Greg Walden (R-Ore.), John Shimkus (R-Ill.) and Gregg Harper (R-Miss.) sent a letter today to Administrator Scott Pruitt asking for a briefing with key officials on how EPA proposes to reorder its staff and offices.

"To assist us in our understanding more about EPA's plans to reorganize the agency and how workforce analysis will factor into those plans, we request that Henry Darwin, EPA's Chief of Operations, and other relevant personnel involved in this project provide a briefing to Committee staff on these matters," said the lawmakers.

They asked that the briefing be scheduled no later than March 27.

Walden is chairman of the full committee, while Shimkus leads the Subcommittee on Environment and Harper heads the Subcommittee on Oversight and Investigations.

EPA spokesman Jahan Wilcox said the agency will get back to the lawmakers.

"We will respond to the congressmen through the proper channel and look forward to continue working with the Energy and Commerce Committee," Wilcox said.

In their letter, the Republicans reminded Pruitt that at his last hearing in December with the Environment Subcommittee he said the agency is undergoing a workforce analysis, which the lawmakers believe EPA sorely needs.

"The EPA has struggled for decades to determine whether the workforce at the agency has the appropriate skills and competencies to accomplish its mission," they wrote.

"In fact, EPA has not conducted a workforce analysis in over 20 years, and the EPA Office of Inspector General (OIG) has cited the need to improve workload analysis as management challenges since 2012," the senators said. "These recommendations come in light of EPA developing plans to reorganize and restructure the agency."

The lawmakers noted that while EPA's reorganization plan, required under an executive order signed by President Trump last year, has not been released to the public, the agency has made several changes to its structure. Several offices have been consolidated or merged into others, while hundreds of EPA employees have taken buyout packages or retired over the past year.

"We appreciate your commitment to conducting a workforce analysis — a longstanding problem for EPA — to ensure that the right number of appropriately skilled employees are deployed across the agency and placed in positions that maximize their expertise," the trio wrote. "This is of particular importance as EPA considers options for reorganizing the agency."

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060076871/search?keyword=EPA>

Wanted: Nominees for air advisory panel

By Sean Reilly, 3/20/18

U.S. EPA is poised to seek candidates for a key air quality advisory committee, potentially giving agency Administrator Scott Pruitt the opportunity to fill four more slots by this fall.

In a notice set for publication in tomorrow's Federal Register, the agency will request nominations for the Clean Air Scientific Advisory Committee over the next 30 days.

The seven-member committee, usually known by its acronym CASAC, is charged with providing outside expertise to EPA during regularly required reviews of the standards for particulate matter, ground-level ozone and four other "criteria" pollutants named in the Clean Air Act.

The committee is in the early stages of a closely watched review of the adequacy of the current particulate matter limits. Pruitt, who regularly challenged EPA regulations in his previous job as Oklahoma attorney general, had already named three members to the committee last fall. The vacancies opened up when one member stepped down after her second three-year term expired and two others were forced off by a newly established policy barring current recipients of EPA grants from serving on agency advisory committees.

According to a government database, the terms of the remaining four members all expire at the end of September. While three of those four are serving their first three-year terms and would customarily be named to a second term, Pruitt appears to have ended that tradition with a call to "promote fresh perspectives," according to his directive setting out the new membership policy last October.

"To encourage and promote the inclusion of new candidates with fresh perspectives and to avoid prolonged and continuous service, membership should be rotated regularly," the directive says.

EPA press aides did not immediately respond to an email this afternoon asking whether the upcoming request for nominations is geared toward filling the four slots that open up this fall.

At the request of two Senate Democrats who questioned the handling of two of last fall's CASAC appointments, the Government Accountability Office is looking into whether it is typical for the EPA administrator and his subordinates to reject the advice of career employees in filling those seats (E&E News PM, March 6).

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/court-seems-ready-to-compromise-on-epa-exceptional-events-rule-879265>

Court seems ready to compromise on EPA exceptional events rule

By Alex Guillen, 3/22/18, 12:28 PM

A panel of federal judges today appeared ready to compromise over environmentalists' challenge to an EPA rule exempting certain polluting events from counting against areas with dirty air.

The 2016 “exceptional events” rule set details on what sort of natural events that emit pollution will not count toward air quality standards, including volcanic activity and forest fires.

In arguments that frequently focused on the fluid meaning of terms like “event” and “resulting from,” the NRDC and Sierra Club argued that EPA’s rule could be read to allow states to ignore some pollution from regulated entities like power plants by conflating regular human-caused pollution with naturally occurring emissions.

But the judges seemed skeptical that the rule necessarily meant that power plant emissions already in the air would count under EPA’s rule in the same way that it would count pollution emitted from natural sources, such as dust blown off a dirt road.

Judge Gregory Katsas, a Trump appointee, asked whether the green groups would be satisfied if the court ruled that power plant emissions are not pollution “resulting from” a natural event and thus would not count toward the exceptional event under EPA’s rule, rather than requiring the agency to re-write it.

The groups’ attorney, Margaret Hsieh, said they would because EPA would then be bound to that interpretation.

WHAT’S NEXT: The court will issue its ruling in the coming months.

New York Times

https://www.nytimes.com/2018/03/21/climate/attorneys-general-trump-environment-lawsuits.html?rref=collection%2Ftimestopic%2FEnvironmental%20Protection%20Agency&action=click&contentCollection=timestopics®ion=stream&module=stream_unit&version=latest&contentPlacement=1&pgtype=collection

Borrowing G.O.P. Playbook, Democratic States Sue the Government and Rack Up Wins

By Lisa Friedman and John Schwartz, 3/21/18

During the administration of President Barack Obama, attorneys general from Republican states developed a powerful tool: They teamed up dozens of times to sue the federal government to block environmental initiatives.

Now, Democrats are using the same playbook to fight the Trump administration.

Blue-state attorneys general have filed more than two dozen environmental lawsuits against the Trump administration since January 2017, and the victories are piling up. This month, a court said the Environmental Protection Agency had broken the law by delaying smog protections. In February, states forced the Department of Energy to enact efficiency standards for household appliances. And in two different decisions in the past year, courts thwarted the administration’s attempts to delay regulations on emissions by the oil and gas industry.

The rise of state attorneys general as partisan warriors against presidential administrations is a relatively new phenomenon, according to some who served in more amicable days. “Up until 1999, the attorneys general were very nonpartisan,” said Grant Woods, a former Arizona attorney general and a Republican. For instance, Republicans and Democrats in the 1990s teamed up to sue the tobacco industry over the health effects of its products and the burdens cigarette smoking placed on state Medicaid budgets.

Mr. Woods recalled that, when pursuing such cases with fellow state attorneys general, he was not even sure of some colleagues’ party affiliations. “Today everyone has it branded on their forehead, like a scarlet letter,” he said.

The attorneys general fighting the Trump administration have a backer in Michael R. Bloomberg, the billionaire former mayor of New York. Mr. Bloomberg has contributed \$6 million to cover the salaries of university law fellows willing to work for states on lawsuits, investigations, public records requests and other measures to oppose the administration’s environmental policies.

Republicans also got a helping hand when fighting environmental rules during the Obama administration. Republican attorneys general who challenged Mr. Obama's policies together took in about \$16 million in campaign contributions from energy companies in 2014. And Robert E. Murray, the chief executive of Murray Energy, coordinated a lawsuit with 29 mostly Republican-led states against the Clean Power Plan, Mr. Obama's signature effort to curb greenhouse gas emissions from coal-fired power plants.

Gary Broadbent, lawyer for Mr. Murray, said the coal executive had incurred significant legal expenses of his own but did not pay legal fees on behalf of states.

Legal battles have long been a path to stardom for politically ambitious attorneys general from both parties. Scott Pruitt, who now leads the Environmental Protection Agency, made a name for himself in conservative circles for suing the E.P.A. when he was attorney general of Oklahoma. Eric T. Schneiderman, the attorney general of New York, has raised his profile by battling Mr. Trump over everything from immigration to birth control.

Democratic state attorneys have worked together to fight the administration's rollback of school lending laws, to defend the Affordable Care Act and to stop the construction of a border wall. But the most consistent victories have been on the environment, and the attorneys say that more actions are on the way.

"The law is our friend in all this," said David Hayes, who runs the State Energy & Environmental Impact Center, a progressive group based out of New York University School of Law that coordinates state actions and manages the funding for legal fellows. Invitations to apply for center-funded staff were sent to all 50 states, he said, although only Democrats have accepted.

The Trump administration has announced plans to turn back nearly 70 Obama-era environmental regulations. Many are the same ones that Mr. Pruitt and other Republicans earlier fought to block with their own court actions.

Mr. Pruitt and his colleagues had some success, most prominently when the Supreme Court put the brakes on the Clean Power Plan. Patrick Morrissey, the West Virginia attorney general, takes pride in the fact that he helped lead the coalition of state attorneys that blocked the plan.

"Who would have thunk that little old West Virginia" would end up leading such a coalition, he said, "on some of the most important regulatory fights of our day?" Describing it as a victory over regulatory overreach, he said: "That was President Obama's top domestic initiative, and we stopped it in its tracks."

Mr. Morrissey noted that attorneys general still do collaborate on some issues in a bipartisan way, citing in particular their work to sue opioid manufacturers. He is critical, though, of the current crop of Democrats' lawsuits.

"This seems like pure politics on the other side," he said. "The attorney general doesn't get to challenge things that he just doesn't like."

Mr. Woods disagreed with the notion that Republicans were judicious in picking their fights. "That's just not the case," he said. "Scott Pruitt, he filed suits against the E.P.A. every five minutes." Several Democrats also noted that Gov. Greg Abbott of Texas, in his tenure as the state's attorney general, often used some version of this line to joke about his daily routine: "I go into the office, I sue the federal government and I go home."

The Trump administration's approach to eliminating regulations it considers burdensome tends to be more chaotic and less orderly than in earlier administrations. Democratic attorneys have tried to use that to their advantage when filing lawsuits by focusing on procedural violations under the Administrative Procedures Act, a dry area of jurisprudence that governs agency rule-making.

So far, federal courts have found five times that the Trump administration violated the Administrative Procedures Act by skipping steps when it tried to delay environmental rules that had already taken effect. Administrative procedures "was

not my favorite class in law school,” joked Karl A. Racine, the attorney general for the District of Columbia. But now it’s at the core of his effort to fight the Trump administration.

Critics of the lawsuits by Democrats — like David B. Rivkin Jr., an attorney with the law firm BakerHostetler who helped Republicans fight the Clean Power Plan case — dismissed the Democrats’ early victories as “sausage making” because they were based on procedural missteps as opposed to the substance of the regulations. “It doesn’t tell you anything about what’s going to be decided at the end of the day,” he said.

But Maura Healey, the attorney general of Massachusetts, said that following the proper rule-making procedures was important because doing so prevents arbitrary or capricious regulation. “I don’t care what party you’re a part of,” she said. Doing otherwise “flouts the law.”

Officials at the E.P.A. and Energy Department did not respond to requests for comment.

An Interior Department spokeswoman referred questions about the agency’s legal strategy to the Department of Justice. Wyn Hornbuckle, a Justice Department spokesman, said in a statement that lawsuits from coalitions of state attorneys general “are nothing new.”

Mr. Hornbuckle pointed to Republican legal victories against the Obama administration, such as the case against the Clean Power Plan, and said, “The Justice Department will continue to defend the rightful prerogative of federal agencies to appropriately review and reconsider the costs and benefits of regulations adopted in previous administrations. This includes defending agency decisions to place implementation of existing regulations on hold while they are under review.”

There are some Trump supporters (as well as a few critics) who say that what appears to be haste or carelessness on the part of the administration might actually be strategy. With each major announcement of a rule rollback, the Trump administration reinforces its message that it is cutting regulatory burdens on industry — a message that resonates with its donors and voters. Even if courts later find against the administration, that message was already sent.

As agencies bring on more political appointees with significant regulatory experience, the administration is expected to become more careful in the way it rewrites or eliminates regulations. Attorneys fighting the administration said they were not concerned by that and were eager to have an open debate about why they believe clean air and water regulations must be maintained. “We welcome their seemingly gradual embracement of the process because we’d love to fight about what the data shows,” Mr. Racine said.

Could the days of widespread bipartisanship return? Mr. Woods said it was useless to ask the question, and he made his case by drawing a comparison with the intrusion of technology in our lives. “I yearn for the days when you weren’t tied to your cellphone,” he said. “It was a lot simpler, and a lot more pure.” But, he added: “Those days are over.”

Detroit News

<https://www.detroitnews.com/story/news/politics/2018/03/20/epa-pruitt-lead-water-flint/33125283/>

EPA chief wants to eradicate lead from drinking water

By Melissa Nann Burke, 3/20/18, 5:24 PM

Washington — The head of the Environmental Protection Agency says eradicating lead from drinking water is one of his top priorities three years after the Flint water crisis, and he’s worried Americans aren’t “sufficiently aware” of the threat.

"I really believe that we ought to set a goal as a country that, over the next 10 years, that we ought to work with respect to investments in our infrastructure to eradicate lead in our drinking water," EPA Administrator Scott Pruitt told reporters this week at the agency's headquarters.

"It can be achieved. Some of the mental-acuity levels of our children are being impacted adversely as a result of this."

Pruitt is concerned that parents and citizens don't understand the threat of lead in drinking water or toys, and "we're looking at ways we can contribute to that dialogue," he said, according to an audio recording provided by the New York Post.

"I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively," Pruitt said.

Pruitt said President Donald Trump's \$1.5 trillion plan to bolster the nation's infrastructure over the next decade would include investments in aging water infrastructure.

Pruitt didn't describe a plan for replacing the thousands of lead service lines throughout the country – a cost estimated around \$40 billion to \$45 billion – but stressed the need for state and local governments to invest in such upgrades, perhaps with federal grant aid.

Pruitt added he would "love" to see local governments investing more in water infrastructure.

"These water treatment facilities – they have authority to bond out, to raise fees, to invest in corrosion control, the replacement of service lines and the rest," Pruitt said. "And some of them just aren't doing it."

Gov. Rick Snyder has proposed having water customers across Michigan pay a \$5 annual fee to help upgrade aging infrastructure and replace lead pipes in their local communities, but the plan hasn't gained steam in the Republican-controlled Legislature.

U.S. Rep. Dan Kildee, D-Flint Township, said what Pruitt has described isn't really a plan.

"When it comes to Mr. Pruitt, nice words don't replace pipes. It takes money. What they have proposed is really nothing when it comes to infrastructure," Kildee said of the Trump administration.

Kildee said what would help is Pruitt putting his support behind Kildee's legislation that would reduce the acceptable amount of lead in drinking water to 5 parts per billion. The current federal action limit is 15 parts per billion.

"Force federal and state governments to stare this in the face by adopting a level that is science-based that says there is no acceptable level of lead," he said.

EPA has spent a decade trying to update the rule.

Snyder called the rule "dumb and dangerous" after the Flint disaster. The state has proposed draft rules to drop the acceptable amount of lead in drinking water to 10 parts per billion by 2024.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/03/pruitt-to-join-pence-at-event-for-pro-trump-group-879227>

Pruitt to join Pence at event for pro-Trump group

By Anthony Adragna, 3/22/18, 12:39 PM

EPA Administrator Scott Pruitt will join Vice President Mike Pence for an event with the pro-Trump outside group America First Policies tomorrow in Atlanta, the vice president's office announced.

The event is entitled "Tax Cuts to Put America First." Pence will then participate in a Georgia Republican Party event afterwards.

Energy Secretary Rick Perry headlined a roundtable discussion with the same group back in November.

Perry's appearance was billed as the first in a series of visits members of the president's Cabinet planned with America First Policies. While the Energy secretary did not solicit donations in his official capacity, which would violate federal law, America First officials planned to ask for contributions after he left, POLITICO reported at the time.

America First Policies and its affiliated super PAC, America First Action, plan to raise and spend \$100 million supporting Trump's agenda this year.

Additional details on the Atlanta event with Pence and Pruitt were not immediately available. America First Policies did not immediately respond to requests for comment. An EPA spokesman said agency ethics officials signed off on Pruitt's appearance because 501(c)(4) organizations like America First Policies are not considered partisan political groups for the purposes of the Hatch Act.

WHAT'S NEXT: The Atlanta event featuring Pence and Pruitt is scheduled to begin at 3:30 p.m. Friday.

AP

<https://apnews.com/c268c047ec0047ba8dd7cf4ba54c8d35/EPA-head-to-visit-Wyoming-coal-country>

EPA head to visit Wyoming coal country

3/21/18

CHEYENNE, Wyo. (AP) — U.S. Environmental Protection Agency Administrator Scott Pruitt will visit Wyoming's main coal producing region later this month.

Wyoming Republican U.S. Sen. John Barrasso says Pruitt's visit on March 29 will be an opportunity to showcase the state's world-class coal operations and cutting-edge energy research.

Pruitt's visit will highlight Wyoming's coal-mining operations, as well as the state's commitment to reclamation and environmental stewardship.

Wyoming is the nation's leading producer of coal, accounting for about 40 percent of America's total coal production.

Daily Caller

<http://dailycaller.com/2018/03/20/exclusive-epa-scott-pruitt-climate/>

EXCLUSIVE: Is EPA's Scott Pruitt Planning A Final Blow To Obama's Climate Agenda?

By Michael Bastasch, 3/20/18, 10:29 PM

It was "absolutely false" the White House shot down plans for a public debate on global warming science, Environmental Protection Agency Administrator Scott Pruitt said Monday.

The concept of a “red team, blue team exercise” had “evolved” since he first proposed it last year, Pruitt said. “Don’t believe everything you read,” Pruitt told The Daily Caller News Foundation.

White House chief of staff John Kelly “killed” the effort before any public announcements could be made, The New York Times reported March 9th. Kelly “considered the idea ‘dead’ and not to be discussed further,” White House officials said at a mid-December 2017 meeting, NYT reported.

White House officials derailed a public red-blue team exercise, while they suggested alternate routes, an E&E News follow up report claimed. The exercise has indeed “evolved,” Pruitt told TheDCNF.

Reports of White House opposition to his red-blue team debates were “absolutely false,” Pruitt added, echoing comments he made before Congress in January.

“The red team, blue team exercise has evolved a little bit,” Pruitt explained to TheDCNF. “We’ve been working diligently over the last several months to determine the best way forward to encourage this open, honest, transparent debate about these very important issues. The American people deserve that, frankly, they deserve it.”

“If some believe that CO2 poses an existential threat to mankind, they think it’s more important than North Korea — they do, don’t they?” Pruitt asked, adding, “if that’s the case, I want to know it.”

“Let us make sure that there’s an honest discussion about that,” Pruitt continued. “Let’s go into this and actually have an open mind about what we know and what we don’t know. That’s something we’re working on, we’ll continue to work on, and preferably have some answers on that soon as well.”

Pruitt suggested a red-blue team-style exercise to debate climate science last year, echoing former Obama Energy Department official Steven Koonin, who advocated for such an exercise in The Wall Street Journal.

The military uses red-blue team exercises to expose vulnerabilities in strategic plans. President Donald Trump embraced Pruitt’s call for such debates, according to reports, as well as scientists skeptical of catastrophic global warming.

Scientists claiming to be part of the “consensus” and environmentalists oppose red-blue team debates, arguing they will be used to discredit climate science.

Pruitt did not go into detail on how exactly the red-blue team exercise had “evolved,” but E&E’s report suggested EPA could take comments on the endangerment finding.

White House officials told EPA staffers they could review the 2009 endangerment finding, taking public comments on the state of climate science, E&E reported. The endangerment finding was issued under the Obama administration and gives EPA legal cover to regulate greenhouse gas emissions.

In fact, Pruitt had concerns over how the Obama administration finalized the 2009 endangerment finding so quickly, utilizing United Nations assessments instead of EPA-generated studies, he said.

“I think the process most definitely was a process that was abused,” Pruitt told TheDCNF.

“Anytime that this agency, or any agency, that would go to a third party, like the UN — in that case the Intergovernmental Panel on Climate Change — and took the work product of the IPCC and then transferred it to this agency and used that as the basis by which the decision was made, that’s a breach of process, in my view,” Pruitt added.

The George W. Bush administration began the endangerment finding in 2008 but dragged its feet, allowing the Obama administration to take it up in 2009 and quickly turn around a finding carbon dioxide and other greenhouse gases threatened public health.

Conservative groups have petitioned Pruitt to reconsider the endangerment finding, citing reports from independent researchers arguing global warming is overblown and relies on flawed climate models.

Pruitt did not say whether or not he would reconsider the finding but tied the matter to the larger issue of transparency in science EPA relies on to issue regulations.

"I think what's important there — and that's what drives this discussion that I've been focused on over the last four or five or six months on ensuring that there's an objective, transparent discussion on what do we know and what don't we know with respect to CO2," Pruitt said.

"How do we know what the ideal surface temperature should be in the year 2100, looking out 82 plus years, right? It's a fair question, right? Particularly if you're basing policy on it now," Pruitt noted.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130133879&item=408&prod=deln&cat=AGENCY

EPA Fluorochemicals Summit With States Planned for May

By Tiffany Stecker, 3/21/18

Governors from across the country will discuss solutions to the growing problem of certain chemicals in U.S. drinking water systems at an EPA-hosted summit in Washington in May.

EPA Administrator Scott Pruitt announced the agency will host a summit May 22-23 to allow 56 states and territories to share information and strategies to clean up per- and polyfluoroalkyl substances (PFAS) from drinking water systems.

PFAS contamination—the result of making products such as nonstick pans, fire-fighting foam, and stain-resistant sprays—has been linked to a number of health problems, from liver and thyroid dysfunction to high blood pressure.

Pruitt sent invitations to governors March 19. The meeting would allow state leaders to share information about efforts to monitor and treat PFAS-polluted areas, identify actions to deal with the contamination, and develop ways to communicate the risks to community members.

"Through this event, we are providing critical national leadership, while ensuring that our state, tribal, and local partners have the opportunity to help shape our path forward," Pruitt said in a statement.

'How Do We Help'

Peter Grevatt, director of the Environmental Protection Agency's Office of Groundwater and Drinking Water, told attendees at the Association of Metropolitan Water Agencies' March 19 policy conference that PFAS chemicals are creating problems in many small communities across the country.

He stopped short, however, of announcing any regulatory measures to enforce limits on the chemicals.

The EPA has set health advisory limits for two PFAS chemicals—perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS)—of 70 parts per trillion, but they are not legally enforceable.

"For now, we are very much focused on how do we help local communities and states deal with these challenges," he said.

Bloomberg

<https://www.bloomberg.com/news/articles/2018-03-20/trump-epa-plans-new-restrictions-on-science-used-in-rule-making>

Trump EPA Plans New Restrictions on Science Used in Rule Making

By Jennifer A. Dlouhy, 3/20/18, 4:02 PM

The Environmental Protection Agency is preparing to restrict the scientific studies it uses to develop and justify regulations, making it harder to rely on research when its underlying data are shielded from view.

The planned policy shift, urged by conservatives and advisers who guided Donald Trump's presidential transition, could affect EPA regulations governing climate change, air pollution and clean water for years to come. The move was described by a person familiar with the plan, who asked not to be named discussing the change before it is formally announced.

Although the EPA hasn't formally announced the policy change, expected in the coming weeks, Administrator Scott Pruitt outlined the broad strokes of the plan for conservatives in a recent meeting and told The Daily Caller he would insist on the details of studies underpinning environmental regulations.

The EPA should rely on science that is "very objective, very transparent and very open," Pruitt said in a March 13 interview with Bloomberg News, casting his concern as focused on third-party research in which findings are published but the underlying data and methodology aren't open for scrutiny.

"That's not right," Pruitt said. Whenever the EPA gets scientific evaluations from third parties, "the methodology and data need to be a part of the official record -- the rule making -- so that you and others can look at it and say, 'was it wisely done?'"

Advocates of the change say that by revisiting the science that underpins a swath of environmental rules, including those governing ozone and mercury pollution, the EPA can begin to undo them.

"The EPA has gotten away from honestly comparing the costs and benefits of regulation, by using black box science that where they are essentially saying 'trust us,'" said Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute that advocates limited government. "It's a way to justify regulations, far beyond any environmental or health benefits."

Critics said the move is a way to undermine environmental laws too popular to be undone by Congress.

"It's just another way to prevent the EPA from using independent science to enforce some of our bedrock environmental laws, like the Clean Air Act," said Yogin Kothari, a Washington representative with the Union of Concerned Scientists' Center for Science and Democracy. "You know you're not going to be able to undo the Clean Air Act, so instead of attacking the law itself, you attack the process by which the law is implemented."

Conservatives have pointed to a landmark 1993 air pollution study conducted by Harvard University's School of Public Health that paved the way for more stringent regulations on air pollution by linking fine particulate matter to mortality risk. The underlying data from that federally funded research, known as the Six Cities Study, was never publicly released because its participants were promised confidentiality, according to the university.

"This canard about 'secret science' began as an attempt by industry to undermine the landmark research -- from more than two decades ago -- that determined air pollution is bad for your health," said John Walke, director of the clean air project at the Natural Resources Defense Council. "As a result of those findings, EPA forced polluters to clean up their act, saving or improving tens of thousands of lives."

Depending on the details, the policy could affect both epidemiological studies that rely on confidential medical records, as well as industry-backed research by companies reluctant to share data recorded at oil wells and power plants.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130133836&item=408&prod=dein&cat=AGENCY

Oil, Gas Firms Could Avoid EPA Penalties by Admitting Violations

By Amena H. Saiyid, 3/22/18

Oil and gas producers that choose to report past environmental violations at drilling sites, and related assets that they acquire, may dodge penalties under an audit program that the EPA plans to expand.

The Environmental Protection Agency would build upon a self-audit program that has been in place since 2008 to foster compliance and reward companies that do make an effort to meet environmental laws, Patrick Traylor, deputy assistant EPA administrator for enforcement and compliance assurance, told the Environmental Council of the States during a March 20 panel discussion on encouraging oil and gas compliance in St. Paul, Minn.

The EPA initiative is a positive step, questions linger the details, Roy Hartstein, vice president for strategic solutions at Southwestern Energy Co., the third largest producer of natural gas in the continental U.S., told Bloomberg Environment. He said he wanted to see "the mechanics of how this program will work."

The nuts and bolts of how the program would work for the oil and gas sector is an issue that the EPA has just begun to work out, Traylor said, acknowledging that it takes time to write out audit agreements. He assured state officials that the credible threat of enforcement would remain in the background.

Self-auditing is a positive step in an era of shrinking budgets, Dave Glatt, co-chairman of the ECOS shale oil and gas caucus and environmental health chief for the North Dakota Department of Health, said.

"The challenge for the EPA is to apply the audit policy that currently applies to single manufacturing facilities to multiple oil and gas facilities," Traylor said, adding that the EPA will be looking to states that have self-auditing programs in place.

The agency doesn't want to measure compliance by how many notices of violations are filed with the Justice Department, Traylor said.

"These are good tracking tools, but not a measure of compliance," he said.

Washington Examiner

<https://www.washingtonexaminer.com/policy/energy/trump-looks-to-congress-to-make-call-on-overhaul-of-ethanol-mandate>

Trump looks to Congress to make call on overhaul of ethanol mandate

By John Siciliano, 3/20/18, 5:59 PM

President Trump may wash his hands of the ethanol mandate and let Congress figure out how to overhaul it with legislation, Agriculture Secretary Sonny Perdue said Tuesday.

"The White House is trying to determine whether they need to make a call on the decision or let Congress go back and fix it," Perdue said at the National Press Club in Washington.

Perdue even said that some members of Congress have been pushing the administration to back off. "We've had some members of Congress call and say, 'We're working on this, let us handle it,'" he told reporters after an event marking Agriculture Day. "So, we'll see how that works."

Senate Majority Whip John Cornyn, R-Texas, is drafting legislation that would overhaul the Environmental Protection Agency's Renewable Fuel Standard, or RFS, which requires refiners to blend corn ethanol and other biofuels into the nation's gasoline and diesel supplies.

Sources tracking the ethanol discussions have said it is creating confusion for Trump and Congress to be looking at taking action simultaneously.

Trump is expected to be presented with a list of options to end a feud between independent oil refiners and ethanol producers over the price of renewable identification number credits, or RINs. A top consideration is for Trump to direct the EPA to place a price cap on RINs, which is an idea that Sen. Ted Cruz, R-Texas, has proposed in meetings with Trump.

Merchant refiners cannot blend ethanol into the gasoline supply as their larger competitors, such as Shell and Exxon, do. That forces them to buy the credits, which have experienced large jumps in price in the last year. Philadelphia Energy Solutions, the largest refinery on the East Coast, filed for bankruptcy in January, citing the hundreds of millions of dollars it had to spend on RINs as a factor.

The ethanol industry opposes the idea, with five GOP senators sending Trump a letter last week pressing him to reject the proposal, citing studies that refute the price cap that Cruz floated.

Perdue said there have been "fairly intense discussions" about what the solution should be, but the president's "commitment to the corn producers, to the biodiesel/biofuel industry is still solid."

Trump "does obviously have to consider the allegations of job loss in the merchant refining business and what are their solutions," Perdue said. "There's a middle ground; they can help you reduce the Renewable Identification Numbers, the RINs layer, without hurting the renewable fuel volumes," he added.

"It's a complex issue that I think needs a reasonable solution that doesn't include a RIN cap," Perdue said.

He added that the price cap was a solution offered early on in the White House discussions, but "I don't know the president will make that choice."

Meanwhile, EPA on Tuesday announced changes to refinery emission rules that would save the industry \$11.5 million per year. The EPA's tweaks cut back requirements within 2015 Obama-era regulations on refinery emissions and include reductions in record keeping and compliance reporting.

The Hill

<http://thehill.com/policy/energy-environment/379387-epa-proposes-tweaks-to-oil-refinery-pollution-rules>

EPA proposes tweaks to oil refinery pollution rules

By Timothy Cama, 3/20/18, 4:38 PM

The Environmental Protection Agency (EPA) is proposing a series of changes to pollution rules for oil refineries that it says would save the industry \$11.5 million a year.

The EPA characterized the changes, sought by the oil industry, as technical corrections and clarifications to the Obama administration's 2015 rule setting new standards to prevent air pollution at refineries.

The changes proposed Tuesday concern provisions in the 2015 rule related to issues like work practices, recordkeeping and compliance reporting.

"These common-sense actions provide regulatory clarity and certainty for refineries across the country," EPA Administrator Scott Pruitt said in a statement. "The proposed amendments simplify compliance with national standards, generate significant cost savings, and ultimately enhance protection of human health and the environment."

The oil industry welcomed the changes as an endorsement of its safety and environmental record.

"EPA's practical clarification to the language of the refinery rule's regulatory requirements is a positive step that can help reduce uncertainty, while meeting our shared goal to protect public health," Howard Feldman, senior director of regulatory affairs at the American Petroleum Institute, said in a statement.

"Balanced, effective refinery regulations allow our industry to invest in production of cleaner fuels and in our facilities in order to improve environmental performance."

The American Fuel and Petrochemicals Manufacturers (AFPM) was also pleased.

"AFPM appreciates EPA's decision to establish clarity and make the necessary improvements to the refinery sector rule, which has been the subject of ongoing uncertainty in recent years," the group said in a statement.

"Today's action is another important step towards bringing needed balance to regulations, while maintaining protections for human health and the environment."

E&E News PM

<https://www.eenews.net/eenewspm/stories/1060076875/search?keyword=EPA>

EPA approves 'technical corrections' to refinery regs

By Sean Reilly, 3/20/18

U.S. EPA Administrator Scott Pruitt signed off today on proposed changes to 2015 refinery emissions regulations that are projected to save the industry almost \$90 million.

The draft changes, described in a news release as "technical corrections," relate to fence-line monitor placement, maintenance venting requirements and other provisions in the updated standards for hazardous air pollutants, according to an EPA summary.

The proposal, which will carry a 45-day public comment period when published in the Federal Register, will "simplify compliance with national standards, generate significant costs savings and ultimately enhance protection of human health and the environment," Pruitt said in a news release today.

If finalized, the changes would save the industry an estimated \$77 million in capital investment and almost \$12 million in yearly compliance costs, according to the agency.

EPA had already made a lengthy number of technical corrections and clarifications to the updated standards in 2016. The new proposal comes in response to industry requests for administrative reconsideration.

The changes were welcomed by the American Petroleum Institute, which is among the industry organizations that is also challenging the standards in litigation that has been on hold since early 2016.

"EPA's practical clarification to the language of the refinery rule's regulatory requirements is a positive step that can help reduce uncertainty, while meeting our shared goal to protect public health," Howard Feldman, senior director of regulatory and scientific affairs at the influential trade group, said in a statement.

Earlier today, Pruitt's office tweeted out a photo of him flanked by a half-dozen people in business attire after he had signed the proposed rule.

While EPA press aides didn't reply to an email asking to identify the six, an API spokeswoman confirmed that they include Feldman and three other senior institute employees. The other two could not be definitively identified by publication time.

The updated New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants affect almost 150 refineries nationwide. At the time of their publications, EPA predicted they would ultimately cut emissions of toxic air pollutants by 5,200 tons each year, accompanied by a reduction in about 50,000 tons of emissions of volatile organic compounds.

They stem from a 2014 consent decree reached after Air Alliance Houston and other environmental groups sued over EPA's failure to meet a statutory timetable for review and revision of the new source standards. Many of those same groups are also challenging the final version in court.

BNA

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=130260551&item=408&prod=deln&cat=AGENCY

Environmentalists Sustain Push to Shield Species from Pesticides

By Tiffany Stecker, 3/22/18

Environmentalists are planning to sue the Trump administration for failing to protect land and freshwater creatures from a common insecticide.

The Center for Biological Diversity, Center for Environmental Health, and Californians for Pesticide Reform sent the Environmental Protection Agency and the U.S. Fish and Wildlife Service a notice of intent to sue March 20 for not sticking to a commitment to protect endangered and threatened species from malathion, a widely used insecticide.

Malathion is part of the organophosphate class of pesticides, which have been linked to neurodevelopmental disorders in exposed fetuses and children and have been shown to potentially harm thousands of rare species. The chemical is made by more than 20 companies, including Cheminova, FMC Corp., and Scotts Miracle-Gro Co.

The move is the latest attempt to force the administration to reassess old pesticides that were not properly vetted for potential harm to species, as required under the Endangered Species Act, the groups said.

The three organizations allege that the federal agencies are violating their duty under the act to ensure that malathion is not likely to jeopardize the continued existence of species listed as threatened or endangered, or result in the destruction of those creatures' habitats.

Issuing Wildlife Opinion

Under the agreement, the Fish and Wildlife Service must complete a biological opinion that sets restrictions the EPA should impose in order to protect the species.

"Let's not have these pesticides getting in places where we have [listed] species or their critical habitat," Stephanie Parent, a Portland, Ore.-based attorney with the Center for Biological Diversity, told Bloomberg Environment.

The EPA, the Fish and Wildlife Service, and the Justice Department declined to comment on pending litigation to Bloomberg Environment.

Malathion is one of the five pesticides at issue in a 2014 settlement in [Center for Biological Diversity v. U.S. Fish and Wildlife Service](#). The other pesticides at issue in the settlement are being addressed in a separate lawsuit challenging the EPA for its failure to apply the endangered species law to the pesticide registration process, Parent said.

The Fish and Wildlife Service is one of two federal agencies tasked with setting guidelines to mitigate any threat that an activity—building a road, or approving the use of a pesticide, for example—may pose to a threatened or endangered species. The other agency, the National Marine Fisheries Service, handles marine and anadromous species while the Fish and Wildlife Service assesses harms to land and freshwater species.

The National Marine Fisheries Service completed a biological opinion for marine species in December, finding that malathion is likely to jeopardize the existence of 38 of 77 listed species and adversely modify 37 out of 50 critical habitats. The report narrowly met a court-ordered deadline in [Northwest Center for Alternatives to Pesticides v. NMFS](#).

Environmental groups have been largely successful in suing the federal government over the violations.

But EPA officials and the pesticide industry say these lawsuits impose unreasonable deadlines and do little to actually protect the species.

CropLife America, the agricultural pesticide trade association, is working to ease the process of assessing pesticides for their harm to listed species through administrative changes and legislation.

AP

<https://www.apnews.com/c4240117fc904864a2a4bc7d419fee35/Residents-near-Harvey-damaged-chemical-plant-wary-of-water>

Residents near Harvey-damaged chemical plant wary of water

By Alex Stuckey, 3/22/18

CROSBY, Texas (AP) — The skeleton crew at Arkema's chemical plant knew it was time to go by the morning of Aug. 29.

Flooding from Hurricane Harvey had knocked out power. Thousands of gallons of chemical-laden water had spilled into the floodwaters. Soon, the company's stores of volatile organic peroxides would overheat and produce fires noxious enough to make first responders vomit. The last workers evacuated by floating over a 6-foot chain-link fence in a small boat.

A half-mile away, Diane and Nolan Glover knew none of this, until the National Guard ordered them to evacuate.

The retired couple in their 60s were busy trying to protect their belongings from three feet of floodwater and didn't think to turn on the radio.

Many of their neighbors also were unaware of the danger. Interviews with about 10 residents show they didn't receive the emergency robocalls from Arkema ordered by a Harris County judge after a sulfuric acid release more than 20 years ago.

Today, they are still angry about all they did not know until the National Guard came knocking on doors that day. They say they still know very little about any potential health effects from the flood and fires. They don't know what chemicals they've been exposed to — or about any threat from air they breathe or water they drink.

They say the company failed them before the accident, and the state and federal government afterward.

"I have a bitter taste in my mouth about Arkema," Diane Glover said. "I feel like they should have reached out to everyone."

The activity of the company and government regulators surrounding the Arkema disaster falls into the pattern that has emerged more than a half-year after the storm, a Houston Chronicle/Associated Press review of public records shows. The extent of the environmental assault is starting to emerge, and Gov. Greg Abbott's emergency declaration suspending state environmental rules remains in effect, making it more difficult for local authorities to press their case against companies that lost control of their petroleum and chemical products.

Environmental Protection Agency officials, along with Arkema, repeatedly assured residents that their air and water were not dangerous.

Company contractors and federal regulators conducted some sampling of air and water as well as solid ash produced by the fires, but critics say it was done in a haphazard, patchwork way that was inadequate to establish whether there is a threat to public health.

Arkema, for example, tested the wells of 37 homes; there are roughly 350 homes within 1.5 miles of the plant, though it's unclear how many get their water from private wells.

"I don't think they did enough analyses," said Hussain Abdulla, an assistant professor of chemistry at Texas A&M University-Corpus Christi, who examined the test results at the request of the news organizations.

EPA test results show peroxide in the air near Arkema. And testing of some private wells at the homes nearby found acetone, a chemical used by Arkema that can cause headaches, nausea, dizziness and confusion.

Federal officials have declined to answer reporters' questions, directing them to the EPA website.

State environmental authorities did not test sediment, groundwater or air around the plant during or after the storm, records show. The Texas Commission on Environmental Quality declined to be interviewed, citing its pending investigation.

The EPA and the District Attorney's office for Harris County, home to Houston, are also investigating. Harris and neighboring Liberty County are suing the company.

Arkema spokeswoman Janet Smith said company officials have taken steps to help those who live near the plant.

"We're extremely sorry that our incident caused an evacuation at a time when our neighbors were already reeling from a historic storm," Smith said.

The company is the North American branch of the Colomnes, France-based chemicals manufacturer. It has two dozen U.S. facilities; the one in Crosby has a history of regulatory problems related to the improper handling and storage of hazardous materials.

"What we found so far was just a lack of preparation for this kind of event," said Rock Owens, Harris County's environmental attorney.

NO WARNING

Two years after a 5-year-old girl was severely burned during a 1994 sulfuric acid release at the plant, a county judge ordered the company to alert residents within a mile of its property whenever potential dangers arise.

Residents estimate those emergency calls came more than 10 times during the past 10 years.

But the Glovers, along with their neighbors Margaret and Tom Lewis, say that call never came when Harvey bore down.

Owens said the company appears to have failed to activate the call system.

Smith, the company's spokeswoman, said Arkema communicated with local residents through media statements and social media posts, put updates on its website, created a 24/7 phone hotline and placed messages on an industry-run cell phone application for informing the public about potentially hazardous incidents.

Before its first update on Aug. 29, the plant had lost all electrical power, forcing the skeleton crew to move highly volatile organic peroxides into refrigeration trailers so they would not explode.

"Arkema does not believe the situation presents a risk to the community or the ride-out crew, due to the distance between the refrigerated cars and any people," the update said.

Six hours later, the company warned the situation had become "serious," but did not inform residents of a wastewater spill earlier that day.

State records show that Arkema reported the accidental release of up to 18,000 gallons of stormwater laced with mineral oil and residual organics. That spill, which mingled with floodwaters in the plant and ran downstream toward Cedar Bayou, also caused a release of chemicals into the air including ethylbenzene, which is linked to cancer but can also cause inner ear and kidney damage, as well as vertigo; trimethylbenzene, which can cause chemical pneumonia and chronic bronchitis; and tert-butyl alcohol, which can affect the kidneys and thyroid.

"We reported this inundation of our wastewater system to TCEQ, which is a public agency," Smith said. "We broadly notified the community about issues that we believed presented a potential threat."

The Glovers did not see any of the company's updates. The couple does not use social media. Neither do the Lewises.

On Aug. 30, Arkema's website said the organic peroxide in the refrigerated containers likely would catch fire.

The first trailer caught fire Thursday, Aug. 31, and Arkema later reported it had released chemicals including acetone, nitrogen dioxide and carbon monoxide, according to the county lawsuit. After two more trailers burned, the remaining ones were destroyed in a controlled burn on Sept. 3.

Volatile organic compounds were detected in the air 2.5 to 3 miles northwest of the plant, accompanied by a laundry detergent-like odor, smoke and falling ash, according to the suit.

NO STATE TESTING

Bret Simmons cried in pain as he pushed his motorcycle through floodwaters near Arkema on Aug. 29, he recounted in a lawsuit.

Once he and his wife, Phyllis, made it safely to higher ground, they found his legs covered in blisters, lesions and burns. He sought medical treatment.

Arkema had told state officials the same day that chemicals were spilled into the floodwaters around the plant

On Sept. 1, the EPA collected six surface water runoff samples from four locations outside the evacuation zone near residential homes. Levels were lower than what would warrant an investigation, a news release said,

The next day, emails show agency officials discussing a yellow “discharge” oozing from some of Arkema’s trailers full of chemicals. Multiple aerial photos taken by federal officials show the substance spreading.

Contractors hired by Arkema did not test stormwater until Sept. 6, taking samples from 41 drainage and containment ditches in and around the facility, according to a state environmental report. They did not test stormwater near homes surrounding the plant.

The results of 13 samples showed elevated levels of acetone and methane. Benzene, a known carcinogen, also was detected in one area tested, according to results published on the state environmental agency’s website.

A&M Corpus Christi’s Hussain Abdulla said he was concerned about the “approaches and analysis” of the testing.

For example, he noted the apparent lack of testing for dioxins, which could have been released when the refrigerated trailers full of organic peroxides burned.

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DRINKING THE WATER

The Glovers treated their water well with bleach to cleanse their drinking water, but they lacked the funds to have it tested. Lab-certified well water testing can cost \$25 to \$400.

The Glovers did not know they could ask Arkema to test their water, as the company did for some residents.

Arkema’s contractor tested 37 drinking water wells around the plant, Smith said, and “none of the wells we tested showed levels of our chemicals that exceeded residential limits established by the State of Texas.”

Kevin Thompson, a West Virginia-based attorney representing Bret and Phyllis Simmons and about 660 other Crosby residents, said initial results of tests conducted on behalf of his firm show that water in and around the plant is toxic.

Smith said Arkema does not plan on testing any more wells, adding, “we don’t believe additional well-water testing is warranted because none of our testing has shown levels of our chemicals that exceed residential limits.”

Madison.com

http://host.madison.com/news/local/govt-and-politics/epa-objects-to-aquila-mine-on-michigan-border/article_d8ed0780-af9f-5111-a55b-1155ecc932f9.html

EPA objects to Aquila mine on Michigan border

By Steven Verburg, 3/21/18

The U.S. Environmental Protection Agency has formally objected to a Canadian company’s plans for a controversial mine along the Wisconsin-Michigan border, saying the company hasn’t demonstrated that public waters would be protected from pollution.

Toronto-based Aquila Resources has 90 days to address the EPA's concerns about its proposal to extract gold, zinc and other metals from a 580-acre open pit mine on the Upper Peninsula side of the Menominee River.

Aquila's application to fill federally protected wetlands and dig for ore 150 feet from the river's edge failed to adequately explain how pollutants would be kept from flowing into the river during heavy rains and how the company's plan for preserving wetlands elsewhere met legal requirements for replacing filled wetlands, the EPA said.

The ore is buried in tons of sulfide rock, which reacts with air and water to create acid that opponents say could drain into the river. Ten Wisconsin communities have passed resolutions against the mine, and the Menominee Indian Tribe of Wisconsin in January sued two federal agencies over their handling of the proposal.

An Aquila spokeswoman said Tuesday that company officials were disappointed in the EPA's objection, but they view the federal concerns as "manageable" matters that won't derail the project.

"It is part of the process and not unexpected given the public interest in the matter," said Chantae Lessard, Aquila director of social performance and engagement. "We will respond within the provided timeframe. In the meantime, it is business as usual. Our team is actively preparing the project for the next phase of development."

In a letter dated Monday, Michigan's Department of Environmental Quality notified Aquila of the EPA objection along with comments from the EPA, U.S. Fish & Wildlife Service and the Army Corps of Engineers.

The formal objection means that Aquila's permit application, as it stands now, wouldn't meet federal standards, said Kristi Wilson, of the Michigan DEQ water resources division.

But it doesn't mean the company won't be able to make changes that would satisfy the federal agency.

"It is not uncommon to receive a federal objection with a project of this size," Wilson said Tuesday.

The EPA objected to a previous Aquila wetlands permit application in 2016, and the company withdrew the application. A revised application submitted in 2017 is under consideration now.

"Although some issues identified in EPA's August 15, 2016, comment letter have been addressed in the current application, many have not been fully addressed, and the new application contains additional deficiencies," the federal agencies said in written comments submitted to DEQ this month.

In most states, the Army Corps of Engineers issues permits for filling of federally protected wetlands, but the EPA has granted Michigan the authority to handle the task on the condition that it complies with federal regulations.

If the EPA objection isn't resolved, Michigan must deny the permit application, said EPA spokeswoman Rachel Bassler. If the state didn't deny the application under those circumstances, the Army Corps of Engineers would assume jurisdiction, she said.

Aquila said in a statement that the proposed mine, which it calls its Back Forty Project, is designed to be "a safe, disciplined operation" that will boost the local economy and protect the environment.

AP

<https://apnews.com/6355e70f6bf34f1cb7d7b3e2ecae78c0/The-Latest:-EPA-plans-to-break-up,-smother-burning-tires>

The Latest: EPA plans to break up, smother burning tires

3/21/18

FOUNTAIN, Colo. (AP) — The Latest on a tire fire that ignited when a wildfire spread from Fort Carson onto private land (all times local):

4:20 p.m.

The U.S. Environmental Protection Agency says it will use heavy equipment to break up and smother burning tires that ignited when a wildfire spread from Fort Carson onto private land.

EPA on-scene coordinator Duane Newell said Tuesday the tires were in bales compressed with metal straps to make a fence about 6 feet (2 meters) in height and width.

Newell says a section about 900 feet (275 meters) long is burning.

He says extinguishing the fire could take from two days to two weeks. Work was expected to start Tuesday or Wednesday.

Newell says EPA checked air quality, air filters and desktops in a nearby school and found no sign of residue.

The wildfire broke out on Fort Carson Friday in dry, windy weather. It destroyed three homes and scorched 5 square miles (13 square kilometers).

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2:20 p.m.

Authorities say burning tires that ignited when a wildfire spread from Fort Carson are producing toxic smoke that could force evacuations.

The Colorado Springs Gazette reported Tuesday the Environmental Protection Agency has taken charge of managing the tire fire.

The smoke prompted an elementary school about a mile from the fire to cancel classes.

The wildfire broke out on Fort Carson Friday in dry, windy weather. It spread to private land, destroyed three homes and scorched 5 square miles (13 square kilometers).

At least 250 homes were evacuated.

The wildfire is contained and most residents have been allowed to return, but the tires are still burning.

An Army training exercise was underway when the fire broke out. Fort Carson hasn't said whether it involved live ammunition or whether it caused the fire.

AP

<https://apnews.com/093b5f4c3d40427a97cae7680a404432/Diesel-fuel-spills-from-pipeline-in-southwestern-Indiana>

Diesel fuel spills from pipeline in southwestern Indiana

3/21/18

SOLITUDE, Ind. (AP) — Authorities have contained a diesel spill in a southwestern Indiana creek and will try to recover the fuel.

On-scene coordinator Kevin Turner of the U.S. Environmental Protection Agency said he believes about 42,000 gallons of fuel spilled into Big Creek in Posey County before the leak from a Marathon Petroleum Corp. pipeline was detected Tuesday evening. The pipeline was immediately shut off.

The Indianapolis Star reports Marathon workers deployed two booms that contained the spill before it reached the Wabash River.

Turner says efforts are focused on recovering as much of the fuel as possible. He says about 60 percent of the diesel will be skimmed while the remainder evaporates or is absorbed in the booms.

Turner said he believes the spill will have little impact on wildlife.